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**ORANGE COUNTY BAR ASSOCIATION**

**FAMILY LAW  
SECTION WEBINAR**

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Cooperation Between the Family Law Bench and  
Bar in the Wake of COVID-19



Friday, May 29, 2020

## **MATERIALS:**

### **Progression of Orders and Explanations from Court:**

1. **March 23, 2020 – ADMIN ORDER NO. 20/08: Family Law Order Regarding Court Closure and the Court Message Regarding the Same [ATTACHMENT 1]**
2. **March 26, 2020 – Message from Court Regarding Filings [ATTACHMENT 2]**
3. **March 30, 2020 – Message from Court Regarding Issues Raised by the Bar [ATTACHMENT 3]**
4. **April 1, 2020 – FAMILY LAW ADMIN ORDER NO. 3 [ATTACHMENT 4]**
5. **April 5, 2020 – Message from the Court Regarding the ROLLING OUT of the Remote VSC Program on April 8. 2020 [ATTACHMENT 5]**
6. **April 8, 2020 – Message from the Court Regarding the Extension of Expiring TROS for 90 Days. NO ATTACHMENT**
7. **April 14, 2020 – Message from the Court Summarizing Status of Filings [ATTACHMENT 7]**
8. **April 19, 2020 -Message from the Court regarding Questions from the Bar [ATTACHMENT 8]**
9. **April 20, 2020 -Message from the Court regarding Updates from the Judicial Council [ATTACHMENT 9]**
10. **April 22, 2020 – Judge Hurwitz confirms Stipulations from the VSC program will be filed and processed because the Temporary Judge can verify the signatures of the participants. NO ATTACHMENT**
11. **April 24, 2020 – Extension of Emergency Orders by Judge Nakamura. [ATTACHMENT 11]**
12. **May 13, 2020 – Message from the Court Summarizing and Attaching ADMINISTRATIVE ORDER 20/15; FAMILY LAW ORDER MANDATING REMOTE HEARINGS [ATTACHMENT 12]**

# ATTACHMENT 1

## **Progression of Orders and Explanations from Court:**

### **1. March 23, 2020 – ADMIN ORDER NO. 20/08: Family Law Order Regarding Court Closure and the Court Message Regarding the Same [ATTACHMENT 1]**

- Administrative Order No. 20/08 issued by Presiding Judge Kirk Nakamura.
- Pursuant to the Order, all non-emergency Family Law matters set between 3/23/20 and 6/01/20 will be trailed to a date after 6/01/20; and the next date on those matters will be a Status Conference only (no hearing).
- The matters are being "trailed" to enable the preservation of retroactivity.
- Notices were sent setting the Status Conferences for dates after 6/01/20.
- I know that I do not need to tell you that this is a very fluid situation and even this Order could change.
- Please indicate to them that because of this Order, and the very sparse support staff which we have available to process filings, we must restrict filings to TRO Requests and ex partes where there is an imminent threat to a child.
- WE URGENTLY ASK THAT COUNSEL REFRAIN FROM FILING EX PARTES THAT DO NOT MEET THESE CRITERIA.
- The Bar is our messenger to the public. It is the Bar which understands why we must do what we are doing.
- It is the Bar that has the ability to explain to the public why we are doing what we are doing.
- We look to you for your skilled help in this regard; and we thank all of you for your understanding in these extraordinary times.



Chambers of  
**KIRK H. NAKAMURA**  
PRESIDING JUDGE

## **Superior Court of California County of Orange**

700 CIVIC CENTER DRIVE WEST  
SANTA ANA, CA 92701

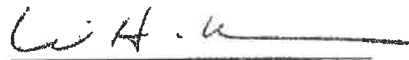
### **Superior Court of California County of Orange ADMINISTRATIVE ORDER NO. 20/08**

#### **FAMILY LAW ORDER REGARDING COURT CLOSURE**

Pursuant to the provisions of Government Code section 68115, at the Court's request, California Supreme Court Chief Justice Tani Cantil-Sakauye has issued an Emergency Order permitting the closing of the Court's facilities to the public, with minimal exceptions, from March 17, 2020 through March 27, 2020. In addition, the Chief Justice issued an advisory on March 20, 2020 recommending the suspension of all family law trials, hearings, and proceedings for at least 60 days, with the exception of time-sensitive matters, such as restraining orders and urgent matters.

Therefore, all non-emergency Family Law trials, hearings, and proceedings shall be suspended through June 1, 2020, and all such matters currently scheduled to be heard on or before June 1, 2020 shall be set for a Status Conference scheduled to be heard after June 1, 2020. The Status Conference will be set by the Court prior to the next currently scheduled Hearing date. All such matters shall be trailed from their currently scheduled hearing date to the date of said Status Conference so that no matter will lose its retroactivity. Although hearings may continue to display as calendared in the online case access system, no hearings other than emergency matters will be conducted during the closure period.

IT IS SO ORDERED this 23rd day of March 2020, at Santa Ana California.

  
\_\_\_\_\_  
Kirk H. Nakamura  
Presiding Judge

# ATTACHMENT 2

3/26/20

## A Message to the Family Law Bar:

### Counsel:

Over the last two weeks, we have been faced with a historic and unprecedented challenge to virtually every aspect of our lives. Never in our history has there ever been a systemic challenge of this magnitude. Complicating this situation is the reluctance by many to appreciate the gravity of this challenge. This is not unusual. Such was the case in many of our Nation's prior crises; it took a gut-wrenching blow to convince many Americans of what was coming in 1861, 1917, 1929, and 1941. I say that not to criticize or challenge an optimistic view; or a view that interprets the current crisis as not that bad. I point this out as an overall explanation of why your Court is doing what it is doing.

We, as members of the Court's leadership, have an obligation to the public, to our staffs, and to the Bar. It is the view of the Chief Justice, as it is Judge Nakamura's view, and mine, that the evidence, the statistics, and our duties as referenced above require us to treat the current situation as extremely serious; and to act accordingly. That is why you have seen the types of Orders issued by the Chief Justice and Judge Nakamura over the last week and a half. These Orders are designed to protect you, your clients, the public, and the Court staff from what we

consider to be a dangerous and pervasive epidemic; while still providing needed services for emergency situations.

That is not to trivialize or minimize the need for Court services in other matters. It is simply to prioritize, based upon available resources, what we are able to do with what we have. It is therefore not a question of our choosing to only file this, and choosing not to file that. This is not a question of choice. It is a question of ability. Because of the Governor's Order and the Chief's directive to deal only with emergent matters, most of our Court employees are at home, sheltering in place. In Family Law, we have a bare minimum staff sufficient to process DV TRO's and emergency RFO's involving serious risks to a child.

I know that many of you are asking "Why can't we file this. Or that. After all, isn't it all electronic anyway?" Let me explain. When you send in something electronically it goes into a "que" until it is retrieved and then "filed". So before it is "filed", it is "received". You, or your attorney service, gets notice of that receipt. Once the document is "filed", the matter must be reviewed for procedural defects, set for hearing, routed to a Courtroom, etc. Those tasks require a Court Processing Clerk. Besides doing those things, ordinarily, Court Processing Clerks also process Judgments (2336, Defaults, Stipulated Judgments, Summary Dissolutions, etc.), answer calls, staff filing windows, and a host of other tasks. Ordinarily, we have about 117 Staff members for Family Law, including all of the Courtroom Clerks and Courtroom Assistants.



While we obviously are not doing most of what is set forth above, we are filing DV TRO and emergency Ex Parte requests, receiving and filing Stips to Private Judges, staffing our Court call-in hotline for questions regarding the use of our Guide & File System and how the public can file TRO requests; we are getting out the continuance/trailing notices along with the Minute Orders and the TRO extensions. We have 35 people total to do all of this, which includes the above-mentioned continuance/trailing notices, Minute Orders, and extended TRO's for 23 Family Law Departments.

So we are operating with a 70% reduction of Staff.

Additionally, to the extent that it becomes necessary, we may lose some of that Staff to the needs of the Court in other areas, such as Criminal, because of their Staff shortages and statutory issues. In this critical time, there are no "Family Law Clerks"; there are only "Court Clerks".

To top that off, there will be no misdemeanor arraignments in Criminal. So an alleged DV perpetrator will either be OR'd, post bail, or have no DV Misdemeanor filing by the DA. A Criminal Protective Order (CPO) is issued at the time of Arraignment. No Arraignment, no CPO. All Law Enforcement agencies in the County will be advised, appropriately, that alleged victims should seek a DV TRO in Family Law in those cases, since a Family Law TRO will be the only means of protection for those victims. This will increase our volume on DV TRO requests, probably commencing next week.

So this is why we cannot “file” your Petitions, Motions, etc. But we can “receive” them, which would give you the ability to show that the subject document was ***submitted*** for filing on a particular day, even though it was not **filed**. Feel free to take advantage of this option.

You should also be aware that in light of the Order suspending all “face to face” supervised visitation, and replacing that with telephonic/skype/videoconferencing instead, FACES has established a Skype/Videoconference system for supervised visitation remotely via videoconferencing. Additionally, they can do therapy/reunification therapy via that same system, remotely. They have some availability for this. Mary O’Connor of FACES has asked that we get this info out to you.

I know that you need to be able to explain to your clients why they can’t get their Hearing or their Order or their documents filed. Feel free to show them this Message. And tell them that we, as the folks who are in the business of resolving disputes, want to be able to hear their matters as badly as they want to present them to us. This ever-changing situation is as uncertain for us as it is for them and you.

You may already be aware that there has been a positive test result in the County Jail. That has resulted in quarantine procedures by the Sheriff.

While I know that there are cries/demands that the Court opens up again, our Court leadership must decide whether the

risk of the infection spreading is outweighed by our need to return to our normal routine. If we reopen too soon, thereby putting people in close proximity to each other on a daily basis, in direct contravention of what the science is telling us, then the risk is that, ultimately, the entire Court is shut down and NO business is done. This would be an existential threat to our democracy. This could become martial law.

By continuing to operate and address only the most urgent of needs, and thus keep the public, the Bar, and our Court Staff from having to congregate in close proximity to each other, we maintain the viability of the Judiciary and the Judicial Branch.

I know that other Court systems are not taking the steps that we in Orange County have taken. We cannot speak for the leadership of those Courts. But for the reasons that I have set forth hereinabove, it is our belief that protecting people is the only way that we can protect our Judicial System.

We will continue to keep you apprized as developments occur. I will continue to maintain contact with Dan Monarch to post the latest developments on the Bar ListServe.

I hope that this Message clarifies/answers some of your concerns. I will attempt to respond to other concerns as they arise; and I want to thank the entire Family Law Bar for their patience and understanding during this crisis.

Please stay safe and sheltered. Please protect yourselves and your families. We don't want to lose any of you.

Sincerely,

Lon Hurwitz  
Supervising Judge, Family Law Division  
Orange County Superior Court

# ATTACHMENT 3

## Responses to Bar Questions of 3/26/20:

Dan:

Please communicate the below Responses to the Bar regarding their Inquiries as set forth in your e-mail to me of 3/26/20.

**Inquiry #1:** Can the date “received” be determined to be the date “filed”?

Short answer is “No”.

We have no guidance on this issue. All we have at this time is the Orders by the Chief Justice of 3/16/20 setting the period of 3/17/20 through 3/27/20 as “Court Holidays”; and her subsequent Order of 3/27/20 extending the Court Holiday through 4/24/20. The basis of these Orders, as stated by the Chief Justice, is:

“...an emergency condition substantially interfered with the public’s ability to file papers in a court facility or court facilities, and that **such delays are deemed holidays** for the purpose of computing time for filing papers with the court under sections 12 and 12a of the Code of Civil Procedure [Gov’t Code section 68115(a)(4)]. [Emphasis added; citation original].

Under current Law, when a document is “**received**” by the Court on a Court Holiday, say Christmas as an example, it is deemed “**filed**” on the next day **that is not** a Court Holiday.

In our Christmas example, if the document was **received** on 12/25, it could not be **filed** until 12/26. **Given the current Law, it would not be possible for us to deem that the document was filed on 12/25.**

While I believe that there may be clean up statutes, rules, etc., on this in the future, the Law will not currently allow us to deem a document received on a Court Holiday as having been filed. As the Chief Justice has, so far, determined that the period 3/17 through 4/24 is a Court Holiday for purposes of filing documents, nothing can be deemed “filed” during this period.

The point of preserving the date of submission (date that the document is “received”) is in anticipation of what we think will be the aforementioned “clean up” statutes and/or a more expansive Order from the Chief Justice. Additionally, it will give our Judicial Officers at least some evidence of a Party’s/Counsel’s efforts re: Response, filings, etc.

But for now, the Law does not allow us to deem a document “filed” on the date that it was “received”. If such was possible, under the current situation and Law, then for one case under the CCP in Family Law such a procedure might preserve retroactivity; but in another civil case, such a procedure would trigger a countdown for a response to a Motion to Compel, or a Motion to Strike, or a Demurrer. And we cannot say that one type of document will be deemed “filed” on the date it was received and another will not.

In any event, I do not believe that under current Law we have any discretion to deem something which is received on a Court Holiday to be filed that same day, even if there is a stipulation. Nor can we pick a retroactivity date, even if there is a stipulation. Both of these issues go to jurisdiction; and you cannot confer jurisdiction by stipulation.

**Inquiry #2:** Manipulation of Court Orders because of current situation.

Whatever Order(s) existed on the date of the Court closure IS/ARE the current Order(s).

Parties and counsel need to remember that we are Courts of Equity.

If a Party interferes with a Court Order, or the intent/goal of such an Order, that conduct will be considered by the Court on the issues of sanctions, attorney fee requests, and future Court Orders.

If someone wants to be hypertechnical about one of our Orders in a crisis, we will not be impressed or amused **AND WE WILL ACT ACCORDINGLY**. The entire Bench is on board with this.

**Inquiry #3:** Filed stamp for submitted document 3/17/20 at 11:03.

This occurred before the initiation of our no filing protocols.



#### **Inquiry #4: Filing of QDRO's.**

QDRO's have to be reviewed by Staff and Judicial Officers. They are NOT an emergency. We cannot process QDRO's at this time.

#### **Inquiry #5: (a)-Telephonic Status Conferences.**

1. This will be up to each Judicial Officer. We cannot order a Judicial Officer to hold a telephonic conference.
2. We have only 5 Courtrooms with Court/Call/Conference Call ability; meaning the ability to have more than a 2 way call. All are at CJC. The one at LJC is being used by the Criminal folks for Criminal Arraignments. If HJC opens up again, we may have that one available.  
The folks at Court Call have advised us that they will not be able to install the Court Call equipment in all Courtrooms in the foreseeable future.
3. Certain Courts have elected to set VSC's for the same day as the Status Conference. If that is the case, the Judicial Officer setting that VSC will probably want folks there, not on the phone.

#### **Inquiry #5(b): Streamlined Status Conference Continuance Requests.**

There is no way to "streamline" a Status Conference continuance because we still need to confirm that all sides are on board; and that the new date is not just convenient for the Parties and Counsel, but also for the Court.

I am sorry that we cannot be more accommodating, but to a great extent we are limited in what we can do by the Law, the Chief Justice, and the situation.

The very best thing that Counsel can do to alleviate the problems alluded to above is to SETTLE THEIR CASES.

While we are currently working on a plan to enable remote VSC's with Judicial Officers and our Family Law Temporary Judges, the scheduling of such VSC's requires the allocation of Court Staff. Additionally, if a Judicial Officer is involved in the settlement conference, the Law requires a Minute Order. This requires an allocation of already scarce resources. We are working on this. In the meantime:

You don't need us to go to VSC's with each other;

You don't need us to talk to each other about resolving whatever you can while you currently have downtime;

And you may rest assured that there will be a deluge of existing matters that we will have to deal with when we reopen, as well as a deluge of new matters that will pour in because of the economic tidal wave that we are witnessing now.

**SO SETTLE WHATEVER YOU CAN NOW. TELL YOUR CLIENTS THAT THEIR ABILITY TO GET A PROMPT RESOLUTION OF THEIR ISSUES HAS, MORE THAN LIKELY, HIT A WALL; AND DEPENDING ON THE OVERALL NEEDS OF OUR COURT, THERE**

**MAY NOT BE A COURTROOM AVAILABLE IN WHICH TO HAVE THEIR MATTER HEARD FOR SOME TIME.**

Again, this is an extraordinary time which requires extraordinary patience and cooperation from everyone.

I recognize and appreciate that Counsel have a duty to represent their clients; and as many of you already know, I will never criticize a lawyer for the vigorous representation of their client. But in this unprecedented event, Counsel might tenor that representation with the advice of Mr. Lincoln who advocated that a lawyer is not just an advocate, but also an advisor to the client. I know that most of you are in agreement with Mr. Lincoln. I must ask you now, more than ever, to adhere to that principle.

Please stay Sheltered and Safe.

Best,  
Lon Hurwitz

# ATTACHMENT 4



Chambers of  
**LON F. HURWITZ**  
FAMILY LAW SUPERVISING JUDGE

# Superior Court of California County of Orange

341 THE CITY DRIVE  
ORANGE, CA 92868  
PHONE: 657-622-5566  
FAX: 657-657-8397

April 1, 2020

Superior Court of California  
County of Orange  
ADMINISTRATIVE ORDER NO. 003

IT IS ORDERED that parties with custody/visitation orders shall follow the guidelines set forth below.

1. **Definition of Spring Break, Summer Break/Vacation or Holidays:** While the schools are closed, parenting time shall continue as if the children are still attending school in accordance with the school calendar of the relevant district. "Spring Break", "Summer Break/Vacation" or other designated holidays, means the regularly calendared breaks/vacations or holidays in the school district where the children are attending school. The closure of the school for public health purposes will not be considered an extension of any break/vacation/holiday period or weekend.
2. **Denial of Parenting Time:** COVID-19 is not a reason to deny parenting time. Unless otherwise ordered by the court, parents are considered fit to care for their children and make decisions regarding the day-to-day aspects of parenting while the children are in their care. This day-to-day care includes following all Health Authority and County Public Health directives regarding social distancing and sanitation-related measures (such as frequent handwashing).
3. **Supervised Parenting Time:** All supervised visitation is to be conducted virtually via videoconferencing or by telephone.
4. **Transparency:** Unless the parties are restrained from communicating, parents are encouraged to communicate about precautions they are taking to slow the spread of COVID-19. A parent is not permitted to deny parenting time based upon the other parent's unwillingness to discuss their precautionary measures taken, or belief that the other parent's precautions are insufficient.

IT IS SO ORDERED.

Dated this 1 day of April 2020

  
\_\_\_\_\_  
Lon F. Hurwitz  
Family Law Supervising Judge

# ATTACHMENT 5

Sunday, April 5, 2020

Counsel:

This Wednesday, April 8, we will be rolling out our VSC Program. I humbly urge all of you, and your clients, to take advantage of this opportunity; not just because it will help to resolve 10,000 plus matters that we have had to trail/continue, and relieve the deluge that we will have to deal with when we have the ability to hold hearings, but also because we are the first case type to attempt such a Program, and the rest of the Orange County Court System is looking to us to make this work. Many of you who are Temporary Judges have already volunteered to help. I know that not all of you can do that. But I also know that the vast majority of you want to know what you can do to help. This is it-Use this VSC process to resolve your cases and help us show the rest of our Court that this WILL work. My heartfelt thanks to Judge Silbar, Dan Boehm, and Dan Monarch for their tenacity and very hard work in putting this together. Let's show them that their very considerable efforts were not in vain.

Stay safe.

Best,

Lon Hurwitz

# ATTACHMENT 7



April 14, 2020 Message

Counsel:

Updating you on the current status of the Family Law Courts in Orange County, I can report that as of yesterday, March 13, we have the following:

1. 7,360 documents in the que for filing. This does not include DV's which continue to be filed, DCSS filings, Judgments, Adoptions, or matters pending in each Courtroom. These are the documents submitted between March 17 and yesterday, April 13; 19 Court days, or an average of 387 submissions per day.
2. 1,585 Judgments pending processing. Of these, 200 pre-existed the March 17 closure. So 1,385 submitted Judgments over 19 days is approx.. 73 per day.
3. There are 200 Minute Orders needing completion since March 17.
4. There are 1,234 Exhibits that need to be returned.
5. There are 178 Orders pending processing in the Courtrooms.

It will take 12 to 13 Clerks at least 3 weeks working full time to process the 7,360 documents in the que. It will take 4 Clerks at least 4 weeks working full time to process the Judgments.

And that is if we reopened tomorrow. Each day that we have to remain closed, we add 460 additional submissions/judgments to the processing issue.

That is not to say we should be open. Clearly, at this time, we have no choice.

Additionally:

We have trailed/continued over 10,000 previously scheduled Hearings.

Before this crisis, we were going to lose 5 Clerks in the month of March to retirement.

Once our Court reopens, there will be an enormous and serious backlog in our Criminal Courts, which will, undoubtedly, require many reassignments of Judicial Officers to address.

We cannot predict how that might affect our Family Law Courts.

As a result of all of the above, all of you, and your clients, should seriously consider what the future might look like in terms of their ability to obtain an expeditious resolution of any non-emergent matter. While none of us can predict when we will reopen, or what things will look like when we reopen, I believe the evidence of what is to come is so overwhelming that to reject any attempt at resolving your cases now may prove to be a serious mistake in the future.

Thanks to the tremendous efforts of Dan Boehm, Dan Monarch, Judge Silbar, and 27 of your fellow Family Law Lawyers who have volunteered as Temporary Judges to help you get your cases settled, you have a unique "moment in time" opportunity to get as much settled as you can. The uncertainty of the current situation provides both sides with the incentive to resolve their issues. Please seriously consider our videoconference VSC Program.

I Hope that all of you to remain safe and healthy.  
Best,

Lon Hurwitz

# ATTACHMENT 8

APRIL 19, 2020

**1. 90 day TRO extensions.**

**A. TRO Mod Requests**

The issue of a no notice cutoff of parenting time is of great concern to us.

We had not been receiving mod requests to TRO's because we did not know what the volume would be when the Criminal Courts stopped issuing Criminal Protective Orders due to the cessation of Misdemeanor Arraignments.

We were concerned that we would not have sufficient staff to process what the anticipated number of DV/Ex Parte requests would be because the Staff who is working at LJC are all volunteers.

Many of our Staff are afraid to come in to work. All of the Staff who are physically at LJC are volunteers. We started with 27 volunteers out of our total Family Law complement of 117. We are now down to 20.

As you may have heard, last week a Court employee at CJC tested positive for the Virus. So we do not yet know how many of our volunteers will continue to come in.

That being said, we now have a clearer picture of the volume of our DV/Ex Parte requests, which have consistently been 8 to 13 per day.

Therefore, I believe that we can now receive Ex Parte requests to modify TRO's for limited bases. We will institute the following protocols:

- i. TRO Respondents can submit Ex Parte requests to modify TRO's for demonstrably "serious reasons".

The determination of what is a "serious reason" will be made by the Duty Judge reviewing that Ex Parte request when it comes in.

The Duty Judge will act in his/her discretion on that determination;

but examples of a "serious reason" would be a No Notice TRO that deprives someone of contact/visitation with their child absent any other concerns (i.e.: incarceration with proven arrest/jail records, etc.).

This request will require submission in the form of an RFO that clearly designates, on the front page, "REQUEST TO MODIFY TRO".

Because the determination of "serious reason" will be made by the Duty Judge based on the moving papers,

it is very important that the moving papers clearly delineate the "serious reason(s)" that form the basis of the request, including specific dates, times, and factual circumstances.

Obviously, notice of the Ex Parte request to the TRO Moving Party will be required.

- ii. If the Duty Judge determines that the RFO seeking modification of the TRO is based upon a "serious reason" to modify, the Duty Judge will short set a teleconference hearing for the Assigned Judicial Officer on that case; and the TRO Moving Party will then be notified of the date, time, and call-in instructions for the Hearing by our Clerks Office. The Respondent can then present the reasons why the TRO should be modified; and the TRO Moving Party can present any reasons why it should not.

If the case has not yet been assigned, the Judicial Officer assigned as the Duty Judge on the date set for the Hearing on the TRO modification request will hear the matter on that date.

- iii. At the time of the Hearing, the Parties and/or Counsel will need to recognize that we will not be able to try the entire DV action.  
It will **NOT** be a Hearing to determine whether or not a DV Restraining Order After Hearing should or should not be issued for a period of years.  
It will be a Hearing to determine what temporary orders should be issued until that Hearing can be held.
- iv. If the Judge hearing the matter determines that the TRO should be modified, an Amended TRO will be issued.  
If the determination is that there should be no modification, the then existing TRO will remain in effect until its stated expiration date or further order of Court.
- v. Counsel and their clients should recognize that this procedure is not an invitation to seek modifications of any and all TRO's.  
As an example, RFO's to Modify TRO's because the house belongs to the Respondent and the Moving Party continues to live there IS NOT a "serious reason" to modify.  
To the extent that the number of these RFO's to Modify TRO's, in conjunction with the continued inflow of TRO and Ex Parte Requests exceeds our ability to process these matters,  
we will have to suspend the receipt of these requests.

**B. Amended TRO's by Stip**

We WILL receive Amended TRO's by Stip submitted by Counsel. There must be attorneys on both sides. The reason for this is that we have no way to verify the signatures of pro pers. Counsel on one side will not be sufficient as we cannot subject an alleged victim to the potential perceived pressure of the alleged perpetrator's counsel to enter into a Stip. And we will not have the ability to screen each Stip as to who counsel represents.

**2. E Filing**

Counsel's characterization that the Court is stuck in the problem without a solution is an accurate analysis.

The Court is committed to the directives of the Governor, the Chief Justice, and the State Judicial Council in allowing its employees to shelter in place and stay at home; particularly when their children cannot go to school and there is no daycare option.

This, in addition to the overriding fear that our employees have had, required the Court to seek volunteers to come in to do the work we needed on an emergency basis.

An order requiring them to come to work would have been antithetical to the express directives of the Governor, the Chief Justice, and the Judicial Council.

In addition, as referenced above, one of our employees has tested positive for the Virus. This will, no doubt, add to the concerns of our employees regarding their volunteering to come in.

Nor is their working at home an option at this point in time. This would require the Court to provide Laptops to our employees with specialized programming to enable them to obtain the

document submissions from the Tyler based Odyssey Program, review those documents for procedural correctness and compare what is sought with existing documents on ELF (i.e.: Request to Enter Default requires review of file to see if a Response was previously filed; is there a valid Proof of Service, etc.), scan the document into ELF and deem/stamp it filed, issue Summons if necessary, or determine if there are Declarations of Service of PDD's for Judgments, etc.

As we currently have only 20 Staff volunteers to handle Ex Partes; field telephone call-ins by the public in English, Spanish and Vietnamese; and complete the process of extending TRO's and continuing matters already set for 23 Departments, the addition of filing other matters that would trigger deadlines for Responsive Pleadings (i.e.: Petitions triggering Responses after service; RFO's requiring filing of I & E's in addition to Responses and Declarations; Motions requiring Responses with P's & A's/Decs; etc.) would overwhelm an already stressed volunteer Staff complement.

When e-filing was started, it was designed to enable filing remotely, thus enabling us to more efficiently process the work with fewer employees; and fewer Clerks having to Staff filing windows.

No one ever said it could be done with "very little effort" by the Court. E-filing still requires review of the document, review of the file (i.e.: accuracy of names, relief sought in default versus Petition, etc.), scanning into ELF, and processing the filing.

The 20 volunteer employees who are coming in to work ARE maintaining social distancing. Perhaps counsel who is proposing such an easy solution to all of this can find us 40 or 50 more volunteers willing to wear masks on the job, engage in social distancing, and, in many cases, leave their children home alone, to staff our needs. As I previously indicated in another e-mail, the 7,360 plus e-filing submissions awaiting review and filing will require at least 12 to 13 employees three full weeks to process. Pending Judgments will require at least 4 more Staff processing for at least four weeks. Please have counsel contact me when they find those additional volunteers; or in the alternative, perhaps counsel can raise or contribute sufficient funds to buy and properly program the laptops for our employees to work from home.

It is not a surprise that some members of the Bar are frustrated; and simple solutions are clear to them. Unfortunately, there are no simple solutions; and in this unprecedented situation, any solution becomes a work in progress. To the extent that certain members of the Bar believe that the Court should have a solution to all of these issues, when nothing like this has ever happened before, I thank them for their apparent unswerving belief that we have an answer for every issue, even when we have never faced that issue before. I applaud their optimism in believing that there is a Playbook for all circumstances, real or potential; and that all we have to do is what is an obvious solution to them.

Unfortunately, there is no Playbook for the current situation; and providence has placed certain people in the position of policy and decision makers in an unprecedented time. For this crisis, that is the Governor, Chief Justice Cantil-Sakauye, and Judge Nakamura; all of whom can only work with what they have and base their directives on the situation. Counsel should not transform their frustration with the situation into an indictment of the decisions made by these leaders in light of that situation.

I hope you all are well; and I very much look forward to the day when we can welcome you back into our Courts, in whatever form that may take.

Sincerely,  
Lon Hurwitz

# ATTACHMENT 9



April 20, 2020

Counsel:

Two circulating orders (CO) were approved by the Judicial Council, yesterday, April 19 at 12pm. No changes or amendments were made.

1. **CO-20-06**: Protective Orders: Emergency Rule on Extension of Restraining Orders (Amend Cal. Rules of Court, emergency rule 8).
2. **CO-20-07**: Family Law: Emergency Rule Regarding Effective Date to Modify Support in Response to COVID-19 Pandemic (Adopt Cal. Rules of Court, emergency rule 13).

The protocols of the first CO were already in place in Orange County.

The second CO addresses the concerns of the Bar regarding retroactivity in Support Issues.

I will endeavor to keep you apprised of all developments regarding the Judicial Council's actions. However, I would again urge you to frequently check the Judicial Council web page to keep abreast of the latest developments.

Thanks,  
Lon Hurwitz

# CIRCULATING ORDER MEMORANDUM TO THE JUDICIAL COUNCIL

Circulating Order Number: CO-20-06

**Title**

Protective Orders: Emergency Rule on  
Extension of Restraining Orders

**Action Requested**

VOTING MEMBERS ONLY: Submit votes  
by responding to the transmittal e-mail.

**Rules, Forms, Standards, or Statutes Affected**

Amend Cal. Rules of Court, emergency rule 8

**Please Respond By**

April 19, 2020

**Recommended by**

Hon. Marsha G. Slough, Chair, Executive and  
Planning Committee

**Date of Report**

April 16, 2020

Hon. David M. Rubin, Chair, Judicial Branch  
Budget Committee and Litigation  
Management Committee

**Contact**

Frances Ho, Attorney  
415-865-7662

Hon. Kyle S. Brodie, Chair, Technology  
Committee

[frances.ho@jud.ca.gov](mailto:frances.ho@jud.ca.gov)

Hon. Marla O. Anderson, Chair, Legislation  
Committee

Gregory S. Tanaka, Supervising Attorney  
415-865-7671

Hon. Harry E. Hull, Jr., Chair, Rules  
Committee

[gregory.tanaka@jud.ca.gov](mailto:gregory.tanaka@jud.ca.gov)

---

## Executive Summary

The chairs of the Judicial Council's six internal committees recommend that the council amend emergency rule 8 of the California Rules of Court to allow persons protected by restraining orders to submit requests to renew restraining orders during the state of emergency related to the COVID-19 pandemic and to address the operational concerns of courts.

## Recommendation

The chairs of the Judicial Council's six internal committees recommend that the Judicial Council, effective immediately, amend emergency rule 8 of the California Rules of Court as follows:

1. Require that courts provide a means for requests to renew long-term restraining orders that expire during the state of emergency to be filed either at a physical location, drop box, or electronically.

2. Allow courts to extend a long-term restraining order, upon a request to renew a restraining order being filed with the court, for up to 90 days.
3. Allow a party or attorney to electronically sign a request to renew a restraining order filed with the court.
4. Remove the requirement that emergency protective orders and restraining orders after hearing be automatically extended.
5. Replace the word “continued” with “remain in effect” in subdivision (b)(2) of the rule.

The text of the amended rule is attached at pages 5–6.

### **Relevant Previous Council Action**

On March 27, the Governor issued an order<sup>1</sup> giving the Judicial Council authority to take necessary action to respond to the COVID-19 pandemic, including by adopting emergency rules that otherwise would be inconsistent with statutes concerning civil practice or procedure. The Governor’s order also suspended statutes to the extent they would be inconsistent with such emergency rules. Under that order, the council adopted emergency rules 1–11 on April 6, 2020, which included emergency rule 8, to address civil and criminal restraining orders.<sup>2</sup>

### **Analysis/Rationale**

#### **Renewal of long-term restraining order**

A request to renew a restraining order must be requested by the protected person within three months from the date of expiration of a long-term restraining order, also known as a restraining order after hearing.<sup>3</sup> The amendments proposed to emergency rule 8(b)(4) would require courts to accept requests to renew restraining orders and extend any long-term restraining order until the matter could be heard, for up to 90 days. As currently stated, the emergency rule requires courts to automatically extend any long-term restraining order that is due to expire during the state of emergency. Advisory committee members and courts have expressed concern with this requirement as courts do not have a way of tracking long-term restraining orders that have been granted, including when they were issued and set to expire. The judicial and administrative burdens of such a policy would be enormous, especially for those courts with less sophisticated case management systems. The rule also currently assumes that the protected person wants the restraining order to continue. Instead of automatically extending any long-term restraining order due to expire during the state of emergency, the proposed amendments would give those seeking

<sup>1</sup> Executive Order N-38-20, [www.gov.ca.gov/wp-content/uploads/2020/03/3.27.20-N-38-20.pdf](http://www.gov.ca.gov/wp-content/uploads/2020/03/3.27.20-N-38-20.pdf).

<sup>2</sup> Judicial Council of Cal., Internal Com. Chairs Rep., *Judicial Branch Administration: Emergency Rules in Response to the COVID-19 Pandemic* (April 6, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=8233133&GUID=4CE2DDDF-426E-446C-8879-39B03DE418B3>

<sup>3</sup> Family Code section 6345.

further protection access to the court system, while allowing other restraining orders to naturally expire when no request to renew is filed with the court.

### **Automatic extensions for emergency protective orders**

Courts have also expressed concern over the current mandate in emergency rule 8 that requires the automatic extension of emergency protective orders already issued to prevent domestic violence, elder abuse, stalking, child abuse, or child abduction. These orders typically last 5 to 7 days but under emergency rule 8 would be automatically extended for up to 30 days, if set to expire during the state of emergency. Having courts extend all emergency protective orders due to expire during this time period is problematic as it would require the creation of an entirely new business process to track all emergency protective orders previously issued by the court, including their expiration dates, and to extend those orders. Additionally, these orders do not generate the opening of a court case and therefore would not be searchable in court case management systems. This would create a significant operational burden on courts at a time when resources are scarce.

Under normal circumstances, individuals granted emergency protective orders who still need protection would be directed to file their own request for restraining order. During the state of emergency, all Californians should now be able to file a request for restraining order at their local court under emergency rule 8. This means that the current process can be relied on by members of the public who seek further protection through the courts after the expiration of an emergency protective order.<sup>4</sup> Additionally, during the state of emergency, rule 8 as amended will still provide courts with the ability to issue new emergency protective orders as noted above, for up to 30 days, recognizing that it may be harder for self-represented litigants to access services during this time.

### **Technical change to subdivision (b)(2)**

As currently stated, emergency rule 8(b)(2) requires any temporary restraining order or gun violence emergency protective order issued or expiring during the state of emergency to be “continued” until a hearing can be held, for up to 90 days. The proposed amendment to the rule replaces the word “continued” with language stating that the orders must instead “remain in effect.” This technical change would clarify any ambiguity in interpretation that may result in only the original hearing date set by the court being “continued,” without extending the actual expiration date of any temporary restraining order or gun violence emergency protective order previously granted.

### **Comments**

This proposal has not been circulated for comment due to the speed with which the COVID-19 pandemic has spread and the urgent need to allow parties the means required to access the courts

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<sup>4</sup> Emergency rule 8(c) provides that courts should provide a means for people to file requests for restraining orders and requests to renew restraining orders.

for protection from violence and lessen the burden on court operations during the state of emergency, while considering the health and safety of parties, counsel, and the public.

**Alternatives considered**

The chairs of the council's six internal committees considered taking no action. However, since emergency rule 8 was adopted by the council, attorneys and the courts have reported substantial difficulty and challenges in understanding how the current emergency rule 8, requiring automatic extension of all long-term restraining orders, should be implemented. Given the severity of the crisis, and the need to ensure the protection of vulnerable populations from violence, the chairs of the Judicial Council's six internal committees concluded that proposed amended emergency rule 8 is necessary for courts to reasonably implement the emergency rules while still providing access to our court system for those in need of protection.

**Fiscal and Operational Impacts**

This amended emergency rule minimizes the anticipated burden on court operations and case management systems by eliminating the requirement to identify and automatically extend thousands of expiring long-term restraining orders and emergency protective orders statewide. Instead, the amended rule would allow courts to extend a long-term restraining order only when requested by the protected person and issue any emergency protective order for an extended time period during the state of emergency.

**Attachments and Links**

1. Cal. Rules of Court, amended emergency rule 8, at pages 5–6
2. Voting instructions, at page 7
3. Vote and signature pages, at pages 8-9

Emergency rule 8 of the California Rules of Court is amended immediately to read:

**Emergency rule 8. Emergency orders: temporary restraining or protective orders**

**(a) Application**

Notwithstanding any other law, this rule applies to any emergency protective order, temporary restraining order, or criminal protective order that was requested, issued, or set to expire during the state of emergency related to the COVID-19 pandemic. This includes requests and orders issued under Family Code sections 6250 or 6300, Code of Civil Procedure sections 527.6, 527.8, or 527.85, Penal Code sections 136.2, 18125 or 18150, or Welfare and Institutions Code sections 213.5, 304, 362.4, or 15657.03, and including any of the foregoing orders issued in connection with an order for modification of a custody or visitation order issued pursuant to a dissolution, legal separation, nullity, or parentage proceeding under Family Code section 6221.

**(b) Duration of orders**

- (1) Any emergency protective order made under Family Code section 6250 that is issued ~~or set to expire~~ during the state of emergency, must remain in effect for up to 30 days from the date of issuance.
- (2) Any temporary restraining order or gun violence emergency protective order, issued or set to expire during the state of emergency related to the COVID-19 pandemic, must ~~be continued~~ remain in effect for a period of time that the court determines is sufficient to allow for a hearing on the long-term order to occur, for up to 90 days.
- (3) Any criminal protective order, subject to this rule, set to expire during the state of emergency, must be automatically extended for a period of 90 days, or until the matter can be heard, whichever occurs first.
- (4) Upon the filing of a request to renew a restraining order after hearing, that is set to expire during the state of emergency related to the COVID-19 pandemic, the current restraining order after hearing must remain in effect until a hearing on the renewal can occur, for up to 90 days from the date of expiration.  
~~Any restraining order or protective order after hearing that is set to expire during the state of emergency related to the COVID-19 pandemic must be automatically extended for up to 90 days from the date of expiration to enable a protected party to seek a renewal of the restraining order.~~

Emergency rule 8 of the California Rules of Court is amended immediately to read:

1   **(c)   Ex parte requests and requests to renew restraining orders**

2  
3       (1)   Courts must provide a means for the filing of ex parte requests for temporary  
4           restraining orders and requests to renew restraining orders. Courts may do so  
5           by providing a physical location, drop box, or, if feasible, through electronic  
6           means.

7  
8       (2)   Any ex parte request and request to renew restraining orders may be filed  
9           using an electronic signature by a party or a party's attorney.  
10  
11

## **Instructions for Review and Action by Circulating Order**

### **Voting members**

- Please reply to the email message with “I approve,” “I disapprove,” or “I abstain,” by **12:00 p.m., Sunday April 19, 2020.**
- If you are unable to reply by **April 19, 2020**, please do so as soon as possible thereafter.

### **Advisory members**

The circulating order is being emailed to you for your information only. There is no need to sign or return any documents.



**CIRCULATING ORDER**  
**Judicial Council of California**  
**Voting and Signature Pages**

Effective immediately, the Judicial Council approves amendments to emergency rule 8 of the California Rules of Court.

My vote is as follows:

☐ Approve

☐ Disapprove

☐ Abstain

\_\_\_\_\_  
Tani G. Cantil-Sakauye, Chair

\_\_\_\_\_  
Marla O. Anderson

\_\_\_\_\_  
Richard Bloom

\_\_\_\_\_  
C. Todd Bottke

\_\_\_\_\_  
Stacy Boulware Eurie

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Kyle S. Brodie

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Ming W. Chin

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Jonathan B. Conklin

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Samuel K. Feng

\_\_\_\_\_  
Brad R. Hill

\_\_\_\_\_  
Rachel W. Hill

\_\_\_\_\_  
Harold W. Hopp

\_\_\_\_\_  
Harry E. Hull, Jr.

\_\_\_\_\_  
Hannah-Beth Jackson

My vote is as follows:

☐ Approve

☐ Disapprove

☐ Abstain

\_\_\_\_\_  
Patrick M. Kelly

\_\_\_\_\_  
Dalila Corral Lyons

\_\_\_\_\_  
Gretchen Nelson

\_\_\_\_\_  
Maxwell V. Pritt

\_\_\_\_\_  
David M. Rubin

\_\_\_\_\_  
Marsha G. Slough

\_\_\_\_\_  
Eric C. Taylor

Date: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Administrative Director and  
Secretary of the Judicial Council



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

[www.courts.ca.gov](http://www.courts.ca.gov)

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# CIRCULATING ORDER MEMORANDUM TO THE JUDICIAL COUNCIL

Circulating Order Number: CO-20-07

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**Title**

Family Law: Emergency Rule Regarding  
Effective Date to Modify Support in Response  
to COVID-19 Pandemic

**Action Requested**

VOTING MEMBERS ONLY: Submit votes  
by responding to the transmittal e-mail.

**Rules, Forms, Standards, or Statutes Affected**

Adopt Cal. Rules of Court, emergency rule 13

**Please Respond By**

April 19, 2020

**Recommended by**

Hon. Marsha G. Slough, Chair, Executive and  
Planning Committee

Hon. David M. Rubin, Chair, Judicial Branch  
Budget Committee and Litigation  
Management Committee

Hon. Kyle S. Brodie, Chair, Technology  
Committee

Hon. Marla O. Anderson, Chair, Legislation  
Committee

Hon. Harry E. Hull, Jr., Chair, Rules  
Committee

**Date of Report**

April 16, 2020

**Contact**

Anna L. Maves, 916-263-8624  
[anna.maves@jud.ca.gov](mailto:anna.maves@jud.ca.gov)

John Henzl, 415-865-7607  
[john.henzl@jud.ca.gov](mailto:john.henzl@jud.ca.gov)

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### Executive Summary

To allow parties to proceed with serving and filing requests to modify support in family law cases during the state of emergency related to the COVID-19 pandemic, without impacting public health and safety, the chairs of the Judicial Council's six internal committees recommend that the council adopt California Rules of Court, emergency rule 13. This rule will temporarily allow a court to make an order modifying support effective the date an unfiled request to modify support was mailed or otherwise served on the other party, with the moving party required to reserve the opposing party after the request has been filed with the court.

## Recommendation

The chairs of the Judicial Council's six internal committees recommend that the Judicial Council, effective immediately, adopt California Rules of Court, emergency rule 13. The rule, which will apply only in family law cases, will:

- Allow a court to make an order modifying an order for child, spousal, partner, or family support effective as of the date the request is served by U.S. mail or other valid means of service on the other party or the local child support agency; and
- Require the party making the request to modify support to serve the request a second time, after it has been filed with the court and has a court date and time listed, unless the moving party is the local child support agency and the unfiled request already contains a valid court date.

The text of the new rule is attached at page 5.

## Relevant Previous Council Action

On March 27, 2020, the Governor issued an executive order<sup>1</sup> giving the Judicial Council authority to take necessary action to respond to the COVID-19 pandemic, including by adopting emergency rules that would otherwise be inconsistent with statutes concerning civil or criminal practice or procedure. The Governor's order also suspended statutes to the extent they would be inconsistent with such emergency rules. Under that order, the council adopted emergency rules 1–11 on April 6, 2020.<sup>2</sup>

## Analysis/Rationale

### Background

The United States is currently the epicenter of a global COVID-19 pandemic. As of April 15, 2020, the Centers for Disease Control and Prevention reported there were more than 605,000 cases in this country, with over 24,000 deaths.<sup>3</sup>

On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency in California as a result of the COVID-19 pandemic.<sup>4</sup> On March 20, 2020, Governor Newsom issued a statewide

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<sup>1</sup> Executive Order N-38-20, [www.gov.ca.gov/wp-content/uploads/2020/03/3.27.20-N-38-20.pdf](http://www.gov.ca.gov/wp-content/uploads/2020/03/3.27.20-N-38-20.pdf).

<sup>2</sup> Judicial Council of Cal., Internal Com. Chairs Rep., *Judicial Branch Administration: Emergency Rules in Response to the COVID-19 Pandemic* (Apr. 6, 2020), <https://jcc.legistar.com/LegislationDetail.aspx?ID=4412336&GUID=44550ADC-1A93-4FDC-97C9-17E1589CBB68>.

<sup>3</sup> Centers for Disease Control and Prevention, Coronavirus Disease 2019 (COVID-19), Cases in U.S. (updated Apr. 15, 2020), [www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html](http://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html).

<sup>4</sup> State of emergency proclamation, [www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf](http://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf).

shelter-in-place order<sup>5</sup> with limited exceptions for emergency services. In addition, several counties have issued local shelter-in-place orders that are more restrictive than the statewide order issued by the Governor. Despite sustained efforts by all levels of government, COVID-19 continues to spread and is impacting nearly all sectors of California. As of April 15, 2020, the California Department of Public Health reported over 23,000 cases in the state, and 758 fatalities.<sup>6</sup>

Due to the COVID-19 pandemic and resulting shelter-in-place orders, a record number of workers have lost their jobs and filed for unemployment in the country and in California. In the past four weeks alone, “California has processed about 2.3 million unemployment insurance claims, which is more than the total number of claims filed in 2019.”<sup>7</sup> Under current federal and state law, when a court enters an order modifying support, the earliest date the order may be made effective is as of the date the request was filed with the court or served on the other party.<sup>8</sup> However, many parties are unable to file a request to modify support and preserve retroactivity of the modification date because it is not always clear how to do so during this pandemic in light of changes to court operations made to address public health and safety.

### **Proposal**

Emergency rule 13 would provide the court with the authority to enter an order modifying support back to the date that the party seeking the modification mailed or otherwise validly served that request on the opposing party if that date is earlier than the date the request was filed with the court.<sup>9</sup> Such a rule is needed to ensure that a party who has experienced the loss of a job or whose hours have been reduced as a result of the state of emergency related to the COVID-19 pandemic is able to request an order modifying support be made effective to a date as close as possible to their loss of income. Allowing for the service of an unfiled request is especially important during this state of emergency, as changes made to court operations to address public health and safety are making it more challenging for requests to be filed and processed by the courts.

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<sup>5</sup> Executive Order N-33-20, <https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf>.

<sup>6</sup> California Department of Public Health, “COVID-19 by the Numbers,” news release April 15, 2020, [www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx#COVID-19%20by%20the%20Numbers](http://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx#COVID-19%20by%20the%20Numbers).

<sup>7</sup> Office of Governor Gavin Newsom, “Governor Newsom Announces Additional Unemployment Benefits for Workers Impacted by COVID-19, as Unemployment Claims Reach Record Levels,” news release April 9, 2020, [www.gov.ca.gov/2020/04/09/governor-newsom-announces-additional-unemployment-benefits-for-workers-impacted-by-covid-19-as-unemployment-claims-reach-record-levels/](http://www.gov.ca.gov/2020/04/09/governor-newsom-announces-additional-unemployment-benefits-for-workers-impacted-by-covid-19-as-unemployment-claims-reach-record-levels/).

<sup>8</sup> 42 U.S.C. § 666(9)(C); Fam. Code, §§ 3591, 3603, 3653, and 4333.

<sup>9</sup> Emergency rule 13 is consistent with federal law and will ensure that judicial officers hearing governmental and non-governmental support matters will have the broadest array of options for setting the effective date for a modification.

Providing courts with the discretion to make a modification retroactive to the service date when that is earlier than the filing date will ensure that the other party will be placed on notice that their support amount may be reduced effective with the date of service, allowing them to plan accordingly. The rule thereby balances the needs of a party who may have experienced job loss and seeks to modify a support order against the needs for public safety and notice to the other party.

**Policy implications**

The COVID-19 pandemic presents an unprecedented crisis that threatens the lives, health, and safety of all Californians. This crisis has caused millions of residents to lose their jobs while at the same time closing the courts where they could seek financial relief, such as a modification of a support order. Ordinarily such orders can only be made retroactive to the date the request was filed. Given the length of time the pandemic may impact the state, parties with support orders must be able to protect their rights as recommended in this proposal.

**Comments**

This proposal has not been circulated for comment due to the speed with which the COVID-19 pandemic has spread and the urgent need to allow parties the tools required to allow them to continue with their cases and protect their rights while considering the health and safety of parties, court staff, and the public.

**Alternatives considered**

The chairs of the Judicial Council's six internal committees considered taking no action. Over the past month, however, individual courts have been struggling to address the impact of the COVID-19 pandemic, and it is critical that courts have the authority to make accurate support orders that can be made effective with consistency across the state without regard to each court's ability to process court filings during the state of emergency. Given the severity of the crisis, the chairs of the council's six internal committees concluded that this recommendation was necessary to allow parties to preserve their rights to modify a support order, while not putting court staff or the public at risk.

**Fiscal and Operational Impacts**

Because this rule applies to mail service by the parties and does not require courts to accept any additional filings, it should not have any fiscal or operational impacts on courts.

**Attachments and Links**

1. Cal. Rules of Court, emergency rule 13, at page 5
2. Voting instructions, at page 6
3. Vote and signature pages, at pages 7–8

Emergency rule 13 of the California Rules of Court is adopted, immediately, to read:

**Emergency rule 13. Effective date for requests to modify support**

**(a) Application**

Notwithstanding any other law, including Family Code sections 3591, 3603, 3653, and 4333, this rule applies to all requests to modify or terminate child, spousal, partner, or family support. For the purpose of this rule, “request” refers to *Request for Order* (form FL-300), *Notice of Motion (Governmental)* (form FL-680), or other moving papers requesting a modification of support.

**(b) Effective date of modification**

Except as provided in Family Code section 3653(b), an order modifying or terminating a support order may be made effective as of the date the request and supporting papers are mailed or otherwise served on the other party, or other party’s attorney when permitted. Nothing in this rule restricts the court’s discretion to order a later effective date.

**(c) Service of filed request**

If the request and supporting papers that were served have not yet been filed with the court, the moving party must also serve a copy of the request and supporting papers after they have been filed with the court on the other party, or other party’s attorney when permitted. If the moving party is the local child support agency and the unfiled request already has a valid court date and time listed, then subsequent service of the request is not required.

**(d) Court discretion**

Nothing in this rule is meant to limit court discretion or to alter rule 5.92 or 5.260 regarding which moving papers are required to request a modification of support.

**(e) Sunset of rule**

This rule will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.

## **Instructions for Review and Action by Circulating Order**

### **Voting members**

- Please reply to the email message with “I approve,” “I disapprove,” or “I abstain,” by **12:00 p.m., Sunday, April 19th**
- If you are unable to reply by **April 19<sup>th</sup>** please do so as soon as possible thereafter.

### **Advisory members**

The circulating order is being emailed to you for your information only. There is no need to sign or return any documents.



**CIRCULATING ORDER**  
**Judicial Council of California**  
**Voting and Signature Pages**

Effective immediately, the Judicial Council adopts California Rules of Court, emergency rule 13.

My vote is as follows:

☐ Approve

☐ Disapprove

☐ Abstain

\_\_\_\_\_  
Tani G. Cantil-Sakauye, Chair

\_\_\_\_\_  
Marla O. Anderson

\_\_\_\_\_  
Richard Bloom

\_\_\_\_\_  
C. Todd Bottke

\_\_\_\_\_  
Stacy Boulware Eurie

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Kyle S. Brodie

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Ming W. Chin

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Jonathan B. Conklin

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Samuel K. Feng

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Brad R. Hill

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Rachel W. Hill

\_\_\_\_\_  
Harold W. Hopp

\_\_\_\_\_  
Harry E. Hull, Jr.

\_\_\_\_\_  
Hannah-Beth Jackson

My vote is as follows:

☐ Approve

☐ Disapprove

☐ Abstain

\_\_\_\_\_  
Patrick M. Kelly

\_\_\_\_\_  
Dalila Corral Lyons

\_\_\_\_\_  
Gretchen Nelson

\_\_\_\_\_  
Maxwell V. Pritt

\_\_\_\_\_  
David M. Rubin

\_\_\_\_\_  
Marsha G. Slough

\_\_\_\_\_  
Eric C. Taylor

Date: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Administrative Director and  
Secretary of the Judicial Council

# ATTACHMENT 11

1  
2  
3 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
4 **IN AND FOR THE COUNTY OF ORANGE**  
5

6 **In Re:** )  
7 **COVID-19 Pandemic** )  
8 ) **THIRD**  
9 ) **IMPLEMENTATION ORDER**  
10 ) **RE EMERGENCY ORDER**  
11 ) **(Gov. Code, § 68115)**  
12 **April 24, 2020** )  
13 \_\_\_\_\_ )

14 Exercising the authority granted by Government Code section 68115 and the April  
15 24, 2020 Order of Chief Justice Tani Cantil-Sakauye, Chair of the California Judicial  
16 Council, issued in response to the April 24, 2020 Request for a Judicial Emergency Order  
17 made by the Superior Court of Orange County ("Court"), this Court HEREBY FINDS  
18 AND ORDERS AS FOLLOWS:

19 1. The Court declares that all dates from 4/27/2020 to 5/22/2020 are holidays for  
20 purposes of computing the time for filing papers with the Court under Code of Civil Procedure  
21 sections 12 and 12a. (Gov. Code, § 68115(a)(4).)

22 2. The Court declares that all dates from 4/27/2020 to 5/22/2020 are holidays for  
23 purposes of computing the time under:

- 24 a. Welfare and Institutions Code section 313 (time to release minor  
25 taken into custody pending dependency proceedings);  
26  
27  
28

- b. Welfare and Institutions Code section 315 (time to hold detention hearing for minor taken into custody pending dependency proceedings);
- c. Welfare and Institutions Code section 334 (time to hold hearing on dependency petition);
- d. Welfare and Institutions Code section 631 (detention of minor in wardship proceedings);
- e. Welfare and Institutions Code section 632 (detention hearing for minor in wardship proceedings);
- f. Welfare and Institutions Code section 637 (detention rehearing for minor in wardship proceedings); and
- g. Welfare and Institutions Code section 657 (hearing on petition to declare minor a ward).

3. The Court extends the time periods provided in sections 583.310 and 583.320 of the Code of Civil Procedure to bring an action to trial by sixty (60) days. (Gov. Code, § 68115(a)(6).) This request applies only to cases in which the statutory deadline otherwise would expire from 4/27/2020 to 5/22/2020, inclusive.

4. The Court extends by not more than thirty (30) days the duration of any temporary restraining order that would otherwise expire from 4/27/2020 to 5/22/2020, inclusive, because the emergency condition prevents the Court from conducting proceedings to determine whether a permanent order should be entered. (Gov. Code, § 68115(a)(7).)

5. The Court extends the time period provided in section 859b of the Penal Code for the holding of a preliminary examination from 10 court days to not more than 30 court

1 days, applicable only to cases in which the statutory deadline otherwise would expire from  
2 4/27/2020 to 5/22/2020, inclusive. (Statewide Emergency Order by Hon. Tani Cantil-  
3 Sakauye, March 30, 2020.)

4 6. The Court extends the time period provided in section 1382 of the Penal Code  
5 for the holding of a criminal trial by not more than 60 days in cases in which the statutory  
6 deadline otherwise would expire from 4/27/2020 to 5/22/2020, inclusive. (Statewide  
7 Emergency Order by Hon. Tani Cantil-Sakauye, March 30, 2020.)

9 7. The Court extends the time period provided in section 825 of the Penal Code  
10 within which a defendant charged with a felony offense must be taken before a magistrate  
11 from 48 hours to 7 days, applicable only to cases in which the statutory deadline otherwise  
12 would expire from 4/27/2020 to 5/22/2020, inclusive. (Gov. Code, § 68115(a)(8).)

14 8. The Court extends the time period provided in section 313 of the Welfare and  
15 Institutions Code within which a minor taken into custody pending dependency proceedings  
16 must be released from custody to 7 days. (Gov. Code, § 68115(a)(11).) This applies only to  
17 minors for whom the statutory deadline otherwise would expire from 4/27/2020 to 5/22/2020,  
18 inclusive.

20 9. The Court extends the time period provided in section 315 of the Welfare and  
21 Institutions Code within which a minor taken into custody pending dependency proceedings  
22 must be given a detention hearing to 7 days. (Gov. Code, § 68115(a)(11).) This applies only  
23 to minors for whom the statutory deadline otherwise would expire from 4/27/2020 to  
24 5/22/2020, inclusive.

26 10. The Court extends the time periods provided in sections 632 and 637 of the  
27 Welfare and Institutions Code within which a minor taken into custody pending wardship  
28

1 proceedings and charged with a felony offense must be given a detention hearing or rehearing  
2 to 7 days. (Gov. Code, § 68115(a)(11).) This applies only to minors for whom the statutory  
3 deadline otherwise would expire from 4/27/2020 to 5/22/2020, inclusive.

4 11. The Court extends the time period provided in section 334 of the Welfare and  
5 Institutions Code within which a hearing on a juvenile dependency petition must be held by  
6 15 days. (Gov. Code, § 68115(a)(12).) This applies only to minors for whom the statutory  
7 deadline otherwise would expire from 4/27/2020 to 5/22/2020, inclusive.  
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9 12. The Court extends the time period provided in section 657 of the Welfare and  
10 Institutions Code within which a hearing on a wardship petition for a minor charged with a  
11 felony offense must be held by 15 days. (Gov. Code, § 68115(a)(12).) This applies only to  
12 minors for whom the statutory deadline otherwise would expire from 4/27/2020 to 5/22/2020,  
13 inclusive.  
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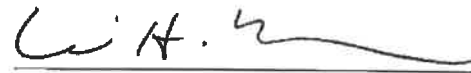
15 13. The declaration in paragraph 1 of this Order shall not apply to: (a) proceedings  
16 regarding a guardianship or conservatorship under the Probate Code; (b) proceedings  
17 pursuant to Title 7, Chapter 20 of the California Rules of Court ("Claims of Minors and  
18 Persons With Disabilities") and (c) proceedings regarding a conservatorship under the  
19 Lanterman-Petris-Short (LPS) Act (Welfare & Institutions Code section 5150, et seq.). Such  
20 proceedings remain subject to the other provisions of this Order, to the extent applicable.  
21

22 Except as indicated in paragraph 13, it is the intent of this Order to provide the  
23 maximum length of constitutionally permitted continuance days authorized by the April 24,  
24 2020 Order issued by the Hon. Tani G. Cantil-Sakauye, Chief Justice of the California  
25 Supreme Court. Any conflicts in the above language are to be resolved in favor of granting  
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1 the lengthier of the continuance options. The clerk's office, as well as access to the court's  
2 physical files and records shall remain closed to the general public during this time.

3 THIS ORDER IS EFFECTIVE IMMEDIATELY.

4  
5 Dated: April 24, 2020



6 Kirk H. Nakamura  
7 Presiding Judge  
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# ATTACHMENT 12

May 13, 2020

Attached please find Judge Nakamura's Administrative Order No. 20/15 Mandating Remote Hearings in Family Law matters. Additionally, I have attached the Protocols signed by Judge Henson and Commissioner Watson regarding In-Court proceedings in DV Hearings for Pro Per Parties.

Counsel:

Attached to this Message, please find Judge Nakamura's Administrative Order No. 20/15 Mandating Remote Hearings in all Family Law Matters; and the DV Protocols for In-Court DV Proceedings designed for Pro Per DV cases signed by Judge Henson and Commissioner Watson.

By way of explanation and anticipated questions from the Bar, allow me to address certain issues:

1. The Administrative Order Mandating Remote Hearings

(i) I believe that the Preface and Background sections of the Order are self-explanatory. Counsel should be

aware that the Mandatory provisions apply to those matters SELECTED BY EACH JUDICIAL OFFICER, IN THEIR

DISCRETION, which shall be set for Hearing. It DOES NOT mandate that all matters currently pending be set.

The criteria for selection of what will be heard will be those matters that can be heard in a total of 2 hours or less,

with some leeway, within reason, for the Judicial Officer to exceed that 2 hours in his/her discretion. This

means that we will not be able to hear most matters involving 2 attorneys. It also means that any matter

selected for Hearing that involves counsel cannot exceed 2 hours, with an understanding that another few

minutes can be allocated if it will finally resolve the matter. IT DOES NOT MEAN THAT A 2 HOUR HEARING

CAN BECOME A 4 HOUR HEARING. If that happens, the Judicial Officers have been encouraged to declare a

Mistrial. But because of this Administrative Order, and the time limits imposed, the selection of which cases

will be heard is left to the SOLE DISCRETION of the Trial/Hearing Judicial Officer. COUNSEL WILL NOT BE

ABLE TO ADVOCATE FOR THEIR MATTER TO BE HEARD; AND THE COURT WILL NOT ENTERTAIN OR GRANT AN

EX PARTE BASED SOLELY ON AN ARGUMENT THAT A PARTICULAR NON-EMERGENCY MATTER MUST BE HEARD.

(ii) The manner and method of the Remote Proceeding will be determined by each Judicial Officer in their

discretion. Judicial Officers may use Teams, WebEx, Court Call, or Conference Call applications for the remote

proceedings. Much will depend on what matters each individual Judicial Officer wishes to set. By example,

some of our Judicial Officers wish to conduct the previously set Status Conferences set in June remotely,  
because they believe that many of the matters that were trailed/continued now have different facts/  
circumstances as a result of the situation; so they wish to see how things have changed and give folks an  
opportunity to amend pleadings, file documents, update Declarations, etc. Those might be done telephonically  
or via Court Call. Some Judicial Officers have set Status Conferences with accompanying VSC settings and they  
may want to do those remotely via Web Ex. Some Judicial Officers may want to advance the scheduled Status  
Conference and set a Remote Hearing via Teams or Web Ex.

(iii) As a result of the discretion referenced above, Counsel need do nothing. If a case is selected in which you  
represent a Party, you will be advised. If you do not believe that the matter can be tried in 2 hours, please  
advise the Clerk so that the Judicial Officer can reconsider the selection and perhaps select a different matter  
to be heard instead. If your matter is selected, you will be given the Protocols for the Remote Hearing,  
including how to submit evidence and how to access the Remote Hearing Application that will be used.  
We have set up Sharepoint folders for the receipt and consideration of evidence; and the Department will  
provide you with the time parameters for the submission of evidence.  
All documents submitted for filing but not yet filed on the case selected will be pulled from the queue based on a case number search  
and filed/scanned into ELF before the Hearing.

(iv) It is probable that matters involving lawyers on both sides will not be selected for Hearing at this time.  
The reason for this is that, depending upon the matter under consideration, it is more likely than not that  
the matter will involve more than one issue; or more than a simple issue, and cannot reasonably be heard  
in 2 hours. While we understand the frustration of the Bar on this point, the reality is that we have a backlog  
of about 10,000 matters and we must move through these as quickly as possible. A day long Hearing, taking  
6 hours, resolves 1 matter. Those same 6 hours could have resolved 3 two hour matters.

(v) The Criminal backlog is severe. As a result, many Judicial Officers in non-criminal assignments will be  
reassigned to deal with the Criminal backlog. We are therefore losing Judge Ospino to the Criminal Panel. His

cases will have to be distributed to the rest of our Panel; placing an even greater strain on the time issues to get our backlog handled.

(vi) The Courtrooms in Harbor, West, and North are being taken to deal with the Criminal backlog. So Commissioner Wilson, Judge De La Cruz, and Judge Gaffney will, more than likely, have to be working offsite.

(vii) I have been advised that we will lose virtually all of our Bailiffs to the Criminal Courts. The operation of a Family Court with Parties, Counsel, Experts, Court Staff, and Judicial Officers present in a Courtroom without a law enforcement presence is not something which Judge Nakamura, or I, am willing to do, for all of the reasons which we know, all too well, about.

(vii) The primary bases, therefore, for the mandatory remote hearings plan are the loss of bailiffs in virtually all Family Law

Inventory Courts, and the ever increasing backlog of cases which will not allow us to wait until the Criminal

Backlog is handled. The logical choice is, therefore, remote hearings which will not require bailiffs and which therefore lets us get started on the backlog.

And while remote hearings are the current logical choice, they will take longer for a number of reasons; Interpreters will have to interpret "consecutively" as opposed to "simultaneously",

meaning that they cannot interpret as the person is speaking-they must wait until the person is finished speaking and then translate. People will not be able to interrupt or talk over each other,

and when that happens, the Judicial Officer will have to interrupt and stop the proceedings because the Court Reporter will be working remotely and may not be able to observe who is talking.

And there will be a variety of technical issues which we will have to sort through, as this will be an evolving endeavor.

(viii) Unfortunately, the effect of all of this will be significant delays for longer Hearings. How long you ask? We do not anticipate getting thru our backlogs before the end of the summer.

And that assumes that additional Judicial Officers will not be taken for the Criminal Backlog; and additional Court Reporters/Staff will not be taken to service Criminal Matters.

So to the extent that you want to know when your Long Cause matter can be heard, the answer, at this time, is "we don't know". Much will depend on your Judicial Officer's selection

of those matters that can be heard in 2 hours or less and how quickly he/she can whittle down their backlog; and the extent to which priority matters (DV, EI's) interfere in that endeavor.

It is conceivable, and quite likely, that your non-emergency long cause matters won't be heard until next year.

## 2. DV's in L11 and L63

DV's that do not involve counsel (Pro Per on each side) will be taken In-Court using the Protocols set forth in the attached Memo signed by Judge Henson and Commissioner Watson.

Attorney cases in these Courts will not yet be heard so that we can get thru the backlog of approximately 500 Pro Per matters. Each case being set by the 2 DV Courts will take no more than 20 to 30 minutes. Hearings involving Counsel will be set once we get thru the Pro Per backlog.

## 3. DCSS Matters

Commissioners Coleman and Kasch are developing independent Protocols for DCSS cases in conjunction with the private bar and DCSS. As DCSS cases are governed Federal and State Statute independent of other Family Code Statutes, separate Protocols for those cases are necessary. More to come on those Protocols when they are finalized.

#### 4. Alternatives to Delays in Matters being Heard

- (i) We will accept Stipulations to submit on documents/pleadings/declarations already filed provided there is a Stip to waive the provisions of Family Code section 217;
- (ii) We will accept Stipulations to "Reifflerize" and submit on Decs rather than testimony, provided there is a signed waiver within the Stip of the provisions of Family Code section 217;
- (iii) You can take advantage of our excellent VSC Program by contacting Dan Boehm;
- (iv) You can Stip to go to a Private Judge;
- (v) You can take advantage of a VSC set by your Judicial Officer on the same day as the Status Conference if that has been done by your Judge/Commissioner;
- (vi) You can engage in discussions between yourselves and perhaps submit partial Stips that significantly narrow issues so that your Judicial Officer can re-examine the time requirements to hear your matter;
- (vii) It is my understanding that the folks at Human Options are willing to do Mediations on financial issues.

#### 5. Court Services

- (i) Emergency Investigations will be available remotely;
- (ii) Custody Mediations will be available remotely;
- (iii) CCI's WILL NOT BE AVAILABLE;
- (iv) We have made significant progress processing many of the 1600 backlogged Judgments and are almost caught up;
- (v) We are now processing much of the 9,000 plus backlog of submitted documents and filing them. The date of filing will be the operative date; not the date of submission, by Statute.

This is a lot to take in. I wish we had better news for you. Unfortunately, the situation in the Criminal Courts is driving the bus; and until that is resolved, there is not a whole bunch we can do. Please consider the above 7 options to waiting for a Hearing date. The sooner we can clear the backlog, the sooner we can get back to better serving your clients. Many thanks for your patience and understanding; and to those of you who have volunteered to help us get cases settled through your great work as TJ's; and for your excellent leadership in Dan Monarch and Dan Boehm.

My Best to all of You, your Families, and your Staffs.

Lon Hurwitz



# Superior Court of California County of Orange

Chambers of  
KIRK H. NAKAMURA  
PRESIDING JUDGE

700 CIVIC CENTER DRIVE WEST  
SANTA ANA, CA 92701

## ADMINISTRATIVE ORDER NO. 20/15

### FAMILY LAW ORDER MANDATING REMOTE HEARINGS

#### PREFACE

On March 17, 2020, Chief Justice Tani Cantil-Sakauye issued an Emergency Order permitting the closure of Court facilities to the public, with minimal exceptions, from March 17, 2020 through March 27, 2020. On March 20, 2020, the Chief Justice issued an Advisory Memorandum recommending the suspension of all Family Law Trials, Hearings, and Proceedings for at least 60 days, with the exception of time-sensitive matters, such as Restraining Orders and urgent matters.

Based upon the Emergency Orders and Advisory Recommendations of the Chief Justice, the Presiding Judge of the Orange County Superior Court issued Administrative Order No. 20/08 on March 23, 2020, suspending all non-emergency Family Law Trials, Hearings, and Proceedings through June 1, 2020; and setting all such matters for a Status Conference to be scheduled for hearing after June 1, 2020.

On April 4, 2020, the Judicial Council of California issued its Emergency Rule No. 3, effective April 6, 2020, which stated, in relevant part:

#### Use of technology for remote appearances

- (a) Notwithstanding any other law, in order to protect the health and safety of the public, including court users, both in custody and out of custody defendants, witnesses, court personnel, judicial officers, and others, courts must conduct judicial proceedings and court operations as follows:
  - a. Courts *may require* that judicial proceedings and court operations be conducted remotely...
  - b. Conducting proceedings remotely includes, but is not limited to, the use of video, audio, and telephonic means for remote appearances; the electronic exchange and authentication of documentary evidence; e-filing and e-service; the use of

remote interpreting; and the use of remote reporting and electronic recording to make the official record of an action or proceeding.

(b) Sunset

- a. This rule will remain in effect until 90 days after the Governor declares that the state of emergency related to the Covid-19 pandemic is lifted, or until amended or repealed by the Judicial Council.

[Judicial Council Emergency Rule No. 3, April 4, 2020; Emphasis Added].

**BACKGROUND**

As a result of the Covid-19 pandemic, and the Orders issued by the Chief Justice and the Governor, the Orange County Superior Court has been closed to the public, with limited exceptions, since March 17, 2020. This was necessary to protect the public, court employees, and judicial officers. Despite this closure, Court Operations have continued based upon the availability of Staff to process filings, minute orders, and other essential services.

Nevertheless, significant backlogs have occurred as a result of the closure in all case types. This will necessitate a prioritization of the allocation of judicial and support services to process time sensitive matters. Of the highest priority, by Federal and State Constitutional Statute and case authority, are criminal matters; such that a reallocation of support staff will be necessary to enable the satisfaction of said Statutory time limitations. This reallocation will necessarily involve the transfer of Sheriff's personnel from non-criminal case types in order to enable currently non-criminal courts to handle criminal matters. This will unavoidably mean that Family Law Courts, with limited exceptions, will not have Sheriff's personnel to act as bailiffs in Family Law Proceedings.

Additionally, significant backlogs are continuing to accrue in Family Law Courts, such that the implementation of protocols to enable these proceedings to go forward must be implemented without delay.

Therefore, as a result of this needed Bailiff reallocation, and the necessity of immediately commencing Family Law Hearings;

**IT IS HEREBY ORDERED:**

1. FAMILY LAW PROCEEDINGS, WITH LIMITED EXCEPTIONS AS SET FORTH HEREINBELOW, SHALL BE CONDUCTED VIA REMOTE HEARING, USING EITHER THE TEAMS OR WEB EX APPLICATIONS; THE USE OF WHICH APPLICATION TO BE DETERMINED AT THE DISCRETION OF EACH FAMILY LAW JUDICIAL OFFICER;
2. EACH FAMILY LAW JUDICIAL OFFICER SHALL SELECT THOSE MATTERS CURRENTLY PENDING WHICH THEY BELIEVE, IN THEIR DISCRETION, WILL BE MOST CONDUCTIVE TO A REMOTE HEARING THAT CAN BE ADJUDICATED WITHIN A TWO HOUR TIME FRAME, ALLOCATING ONE HOUR PER SIDE, SUBJECT TO EXTENSION OF SAID TIME FRAME, WITHIN REASON, AT SAID JUDICIAL OFFICER'S DISCRETION;

May 12, 2020

3. AN IN-COURT PROCEEDING CAN BE SCHEDULED ON A SHOWING OF GOOD CAUSE AS TO WHY A REMOTE HEARING CANNOT OCCUR, WITHIN THE DISCRETION OF THE ASSIGNED JUDICIAL OFFICER;
4. DUAL PRO PER DOMESTIC VIOLENCE CASES (NO ATTORNEYS) ASSIGNED TO THE DEDICATED FAMILY LAW DOMESTIC VIOLENCE COURTS MAY BE SCHEDULED FOR IN COURT PROCEEDINGS AT THE DISCRETION OF JUDGE HENSON OR COMMISSIONER WATSON;
5. DCSS CHILD SUPPORT MATTERS SHALL BE HEARD REMOTELY PURSUANT TO SEPARATE REMOTE HEARINGS PROTOCOLS AS ESTABLISHED BY FEDERAL AND STATE STATUTE AND THE DEPARTMENT OF CHILD SUPPORT SERVICES, IN CONJUNCTION WITH JUDICIAL COUNCIL EMERGENCY RULE NO. 3;
6. SPECIFIC PROTOCOLS FOR THE SUBMISSION OF, AND PRESENTATION OF EVIDENCE SHALL BE DISTRIBUTED TO ALL PARTICIPANTS IN THE MATTERS SELECTED FOR REMOTE HEARING;
7. EACH FAMILY LAW COURTROOM HAS BEEN ASSIGNED A SEPARATE COURTROOM E-MAIL ADDRESS TO FACILITATE THE RECEIPT OF PROPOSED EVIDENCE FROM PARTIES THAT DO NOT HAVE THE CAPABILITY TO PROVIDE EVIDENCE INTO THE SHAREPOINT FOLDERS CREATED FOR RECEIPT OF EVIDENCE IN REMOTE HEARINGS;
8. THOSE PERSONS WANTING ACCESS TO A FAMILY LAW PROCEEDING THAT ARE NOT RESTRICTED FROM PUBLIC ACCESS SHALL APPLY TO THE COURT FOR SAID ACCESS NO LESS THAN 24 HOURS PRIOR TO THE DATE AND TIME SET FOR HEARING BY CALLING IN TO THE COURT AT A NUMBER TO BE POSTED ON THE COURT'S WEBSITE. THE JUDICIAL OFFICER ASSIGNED TO HEAR THE MATTER SHALL, IN HIS/HER DISCRETION, DETERMINE WHETHER OR NOT THE APPLICANT SHALL BE ENTITLED TO ACCESS SAID PROCEEDINGS, AND SHALL EITHER GRANT OR DENY SAID APPLICATION. THE PERSON OR PERSONS MAKING SUCH APPLICATION SHALL BE ADVISED THAT NO PART OF ANY FAMILY LAW PROCEEDING MAY BE RECORDED AND A VIOLATION OF THIS ORDER SHALL SUBJECT SAID INDIVIDUAL(s) TO POTENTIAL CIVIL AND CRIMINAL PENALTIES [Code of Civil Procedure Section 177.5; Penal Code Section 632, et. seq.]
9. THIS ADMINISTRATIVE ORDER IS TO BE READ IN CONJUNCTION WITH ADMINISTRATIVE ORDER NO. 20/08, AND IS TO BE CONSIDERED AN EXCEPTION TO SAID ADMINISTRATIVE ORDER SUSPENDING FAMILY LAW PROCEEDINGS FOR THOSE CASES SELECTED BY EACH JUDICIAL OFFICER TO BE HEARD REMOTELY UNDER THIS ORDER. ADDITIONALLY, THOSE MATTERS SET FOR STATUS CONFERENCE AFTER JUNE 1, 2020 SHALL BE HEARD REMOTELY



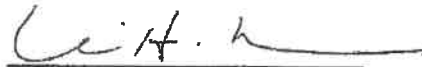
May 12, 2020

UNLESS THIS ADMINISTRATIVE ORDER IS VACATED OR AMENDED, SUBJECT TO THE PROVISIONS OF SECTION 3 IMMEDIATELY HEREINABOVE;

10. THIS ADMINISTRATIVE ORDER SHALL REMAIN IN EFFECT UNTIL VACATED BY THE PRESIDING JUDGE, OR FURTHER ADMINISTRATIVE ORDER BY THE PRESIDING JUDGE.

THIS ORDER IS EFFECTIVE IMMEDIATELY.

IT IS SO ORDERED this 12th day of May 2020, at Santa Ana California.



Kirk H. Nakamura  
Presiding Judge



Superior Court of California  
County of Orange

FAMILY LAW OPERATIONS  
LAMOREAUX JUSTICE CENTER

341 THE CITY DRIVE, SOUTH  
ORANGE, CA 92863  
PHONE: 657-622-6504

**Rules for Advanced and In Court Domestic Violence Hearings**  
**Departments L11 and L63**

1. Due to the current COVID-19 Pandemic and consistent with recommendations/directions of the Center for Disease Control (CDC), the Governor of the State of California and the Orange County Health Department, all individuals entering this courthouse must wear a face mask (or comparable face cloth covering mouth and nose). Refusal to wear a mask will result in dismissal of the case if the moving party refuses to wear a mask and a default (unopposed) proceeding if the Respondent refuses to wear a mask.
2. Parties are asked to arrive 15 minutes prior to their designated hearing time and check in with an Orange County Sheriff Deputy upon arrival at the courthouse. Deputies will assist the public at the front entrance.
3. Hearings shall be staggered approximately 30 minutes apart.
4. Petitioners may be accompanied by one support person as currently allowed under existing law.
5. Childcare is not available in the courthouse. Parties may not bring children into the courthouse.
6. Proof of service must be emailed to the court at least 2 days prior to the hearing. Emailed documents for Dept. L-11 shall be sent to the email listed below.
7. A witness list must be provided to the court by email at least 2 days prior to the hearing. If the witness list is not provided (such that the Sheriff can identify witnesses at the door) the witness will not gain entry to the building or be allowed in the hearing.
8. Documentary evidence (photos, documents, text messages, or emails) intended to be used or introduced by either party shall be emailed to the court at least 2 days prior to the hearing (unless such documents were previously provided to the court at the time a restraining order was requested).
9. Each party shall provide or confirm a valid telephone number and address to the clerk by email/fax at least 2 days prior to the hearing.
10. To the extent possible, the parties shall sit at opposite ends of the counsel table and witnesses may testify from the front row of the gallery seating (This may be modified on a case by case basis to ensure all parties and staff can clearly see and hear evidence).

Department L11 email address L11@occourts.org

Carol L. Henson  
Judge, Department L11

Department L63 email address L63@occourts.org

William G. Watson  
Commissioner, Department L63