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APR 10 2020

CLERK OF MENDOCINO COUNTY  
SUPERIOR COURT OF CALIFORNIA  
*Galanda Henry*

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF MENDOCINO

REQUEST BY MENDOCINO COUNTY  
HEALTH AND HUMAN SERVICES  
AGENCY, FAMILY AND CHILDREN'S  
SERVICES, FOR STANDING ORDER TO  
ADDRESS MODIFICATION OF  
REUNIFICATION SERVICES TO PARENTS  
AND CHILDREN AS A RESULT OF COVID-  
19 AND ITS IMPACT ON FAMILY  
REUNIFICATION TIME PERIODS

)  
) ~~PROPOSED~~ ORDER ADDRESSING  
) IMPACT OF MODIFICATION OF  
) REUNIFICATION SERVICES TO  
) PARENTS AND CHILDREN AS A  
) RESULT OF COVID-19 AND ITS  
) IMPACT ON FAMILY  
) REUNIFICATION TIME PERIODS  
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On March 18, 2020, the Mendocino County Public Health Officer issued an Order directing residents to "shelter in place" based on evidence of increasing occurrence of COVID-19 within the County and throughout California, said order being in effect until April 8, 2020. On March 19, 2020, the Governor of the State of California issued an Executive Order directing all residents of the State of California to "shelter in place," with no end date specified. On March 24, 2020, the Mendocino County Public Health Officer issued an updated order directing individuals in the County to "shelter in place" until further notice. These orders were based on scientific evidence and best practices regarding the most effective approaches to slow

1 the transmission of communicable diseases generally and COVID-19 specifically, and evidence  
2 that the age, condition, and health of a significant portion of the population of the County  
3 places it at risk for serious health complications, including death, from COVID-19.

4 Due to the outbreak of the COVID-19 virus in the general public, which is now a  
5 pandemic according to the World Health Organization and has been declared a national  
6 emergency by the White House, it is essential to slow virus transmission as much as possible.  
7 One proven way to slow the transmission is to limit interactions among people to the greatest  
8 extent practicable. The Mendocino County Health and Human Services Agency, Family and  
9 Children's Services ("FCS") serves in excess of 200 children in out-of-home care. Many of  
10 these children visit with their parents, siblings and other relatives and non-relative extended  
11 family members, multiple times per week. The volume in the aggregate of transportation and  
12 interpersonal contact germane to in-person court-ordered visitation is antithetical to the  
13 objectives of the shelter in place order and is contrary to the general public health.

14 In consideration of the public health crisis produced by the COVID-19 pandemic as  
15 well as the shelter-in-place orders issued by the Mendocino County Health Officer and the  
16 Governor of the State of California, this Juvenile Court by prior order has suspended all court  
17 ordered in-person visitation for dependents of this Court and their relatives/non-relative  
18 extended family members. The court found that in-person face-to-face visitation for  
19 dependent children/youth poses imminent health and safety risks to the children/youth, their  
20 relatives, their caregivers, and Family and Children's Services' staff providing transportation  
21 services and supervising contact.

22 Further, FCS has been authorized to substitute computer/cell phone assisted video  
23 conferencing and/or telephonic contact in place of court-ordered in-person visitation  
24 whenever feasible. FCS continues to have discretion to facilitate alternative visitation on a  
25 case-by-case basis, depending on the best interests of the child. In assessing alternative  
26 visitation, the social worker shall consider the health and safety of the child, the resource  
27 family, and the parent, and any alternative visitation plan shall comply with social distancing  
28 directives of the Mendocino County Public Health Officer.

In addition to visitation, and as a result of the public health crisis, other reunification  
services have been either disrupted or modified by the public health crisis and "shelter in

1 place” orders.

2 The Court finds that these emergency protective measures and modifications to services  
3 include, but are not limited to:

- 4 1. Suspension of in-person group meetings for both Intake Support Group and Family  
5 Empowerment Groups. In lieu of group meetings, Group Facilitators will be  
6 contacting participants directly by phone, if the client is available.
- 7 2. Out-patient drug treatment group meetings are suspended, and replaced by  
8 individual counseling and “crisis” counseling through both telephonic contact and  
9 “telehealth” programs. Assessments for treatment needs will be conducted  
10 telephonically.
- 11 3. Drug testing will continue through Mendocino County SUDT and/or FCS, with  
12 limited in-person contact that is consistent with the social distancing orders of the  
13 Mendocino County Public Health Officer, and follows a protocol that utilizes safety  
14 measures designed to minimize possible exposure to COVID-19. If a parent  
15 indicates in a screening that they are at risk for COVID-19, or if the parent has a  
16 fever, they will not be tested that day. Drug testing may occur with less frequency  
17 to comply with social distancing. Drug testing will be available in Ukiah, Willits,  
18 and Fort Bragg.
- 19 4. Family Dependency Drug Court (“FDDC”) services still continue, as outlined  
20 above, however, FDDC court hearings are suspended during the “shelter in place”  
21 orders.
- 22 5. Mental health services, provided by Mendocino County and its contractors,  
23 (including Mendocino County Hospitality Center, Manzanita Services, Inc.,  
24 MCAVHN, Mendocino County Youth Project, Redwood Community Services,  
25 Redwood Community Crisis Services, Redwood Quality Management Company,  
26 and Tapestry Family Services) are now being offered through both telephonic  
27 contact and “telehealth” programs, and through limited “in-person” contact that  
28 complies with the social distancing orders of the Mendocino County Public Health  
Officer.
6. Other in-person educational and supportive services designed to prevent separation

1 or support reunification of safe and stable families such as anger management  
2 classes, domestic violence victim services and parenting education are being offered  
3 to participants in alternative formats, as available, including telephone, video  
4 conferencing, on-line and/or written for the duration of the “shelter-in-place”  
5 orders.

6  
7 The Court’s ability to hold contested dependency hearings has also been temporarily  
8 suspended due the inability to accommodate social distancing between all parties, witnesses,  
9 and court staff within the courtroom. Pursuant to Government Code Section 681115(a), the  
10 dates of March 17 through April 3, 2020 have been deemed a court holiday as a result of this  
11 public health crisis. Except when otherwise ordered, whenever a child is removed from a  
12 parent’s or guardian’s custody, the juvenile court is required to order the social worker to  
13 provide child welfare services to the child and the child’s parents or guardians for the purpose  
14 of facilitating reunification of the family [Welf. & Inst. Code § 361.5(a)]. If the Court has  
15 ordered reunification services to a parent, at each review hearing, the court must address  
16 whether the agency has made reasonable efforts, or, in the case of an Indian child, active efforts  
17 to return the child to a safe home [Welf. & Inst. Code §§ 366(a)(1)(B), 366.21(e)(8), (f)(1)(A),  
18 366.22(a)(1)(3)]. These findings are required under state and federal law.

19 For over forty years, federal and state child welfare law has centered on serving  
20 children’s best interests by keeping families together whenever safely possible. Family visiting  
21 and support services are the key child welfare practices supporting this fundamental policy  
22 objective, and the current unprecedented disruption and modification of standard practices  
23 threatens to undermine the child welfare system’s ability to effectively serve children and  
24 families. While the temporary emergency measures in response to the “shelter in place” are  
25 necessary to protect children, families, resource families, service providers and FCS staff and  
26 the general public from the effects of COVID-19, this Order seeks to prevent or limit  
27 unintended but potentially devastating consequences of the measures on the course of child  
28 welfare cases. Adhering to public health recommendations should not require sacrificing the  
future of families who are in child welfare proceedings, nor should the modifications made to  
reunification services in compliance with public health directives render said services

1 “unreasonable” in light of the global pandemic. This Order is intended to extend the  
2 reunification period to allow children and families separated by the child welfare system, and  
3 the agencies that support them, the time and tools necessary for managing this crisis. It is also  
4 the intent of this order to also ensure that any extension of services not result in financial  
5 penalties to Mendocino County

6 Therefore, pursuant to its authority under California Welfare and Institutions Code  
7 sections 202, 300.2, 352, and 362, and by stipulation of contract minors’ and parents’ counsel,  
8 and FCS, the Court hereby makes the following Order.

- 9 1. Due to the significant disruption and modification of the reunification services  
10 outlined above, the Court extends reunification services for the period of time  
11 which the Court determines such services have been suspended and will not count  
12 toward the statutory time allowed for reunification services. These extensions are  
13 consistent with the juvenile court’s primary objective of reuniting removed children  
14 with their families and are not contrary to the best interests of said children.
- 15 2. During the period of this Order, the modifications to services as outlined above are  
16 reasonable in consideration of the public health crisis produced by the COVID-19  
17 pandemic as well as the shelter-in-place orders issued by the Mendocino County  
18 Health Officer and the Governor of the State of California.
- 19 3. During the period of this Order, the Court will hold regularly scheduled review  
20 hearings via telephonic conference in order receive verbal and written reports as to  
21 the status of dependent foster children and to make requisite findings under state  
22 and federal law. If a party wishes to contest, the Court shall make the requisite  
23 findings under state and federal law without prejudice to the party’s ability to  
24 contest the hearing. The Court may then continue the contested portion of the  
25 hearing until a time it deems appropriate. All parties are encouraged to enter into  
26 stipulations when possible to resolve hearings as expeditiously as possible.
- 27 4. As the Court will be extending services for the period of time designated by the  
28 court, due to the public health crisis, the court will not find a lack of reasonable  
services during the pendency of this Order. This Order does not preclude any party  
from raising related legal issues such as reasonableness of services for the full

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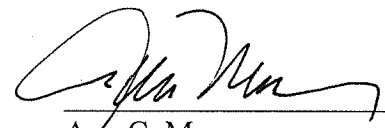
reporting period in the event there were issues with service delivery outside the period of service modification resulting from the public health crisis.

- 5. The date the suspension and/or modification of such services began was on or about March 19, 2020, and continues as of the date of this Order. This Order will be re-examined on April 30, 2020 and the end of this extension period will be designated by future court order when the Court has determined that services have returned to a level of normalcy such that this Court is satisfied this order is no longer necessary.

This Order is effective immediately and shall continue until further court order on this issue.

IT IS SO ORDERED.

Dated: 4/10/20

  
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Ann C. Moorman  
Presiding Juvenile Court Judge