

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF MENDOCINO**

**In Re:**

**Order of the Presiding Judge #6  
RE: Covid-19 Public Health Crisis**

**Updated Implementation  
Order  
(May 4, 2020)**

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In ongoing consideration of the public health crisis currently affecting our state, local, national, and international communities, the Mendocino County Superior Court will continue to limit access to the courthouses in Ukiah and Fort Bragg. The initial Orders issued March 16, 2020, and April 2, 2020 shall remain in effect except as to the extent it is modified as stated herein.

Until the state and county orders requiring citizens to Shelter in Place are rescinded, courtrooms and court staff will practice social distancing. Any persons seated in the gallery of any courtroom must sit at least two seats apart. Our clerks' offices remain open however the public is encouraged to file documents and make payments or submit other paperwork using the drop boxes supplied or on-line. Our telephone hours remain unchanged. (See [www.mendocino.courts.ca.gov](http://www.mendocino.courts.ca.gov))

All persons entering either courthouse must wear a protective face cover.

At this time, it is unknown when county-wide court services will resume regular operations.

**Jury Trials –Civil and Criminal**

Pursuant to the Orders of the Chief Justice of the California Supreme Court dated March 23, and March 30, 2020, all jury trials scheduled for the weeks of April 6, 2020 through and including the week of May 18, 2020 were suspended and were continued no less than sixty (60) days from the date for which the trial was set or extended under the order previously issued by the undersigned on March 16, 2020 or as provided by the modifications to Penal Code §1382 or Code of Civil Procedure §§583.310 and 583.320.

Pursuant to the Order of the Chief Justice of the California Supreme Court dated April 29, 2020, the 60-day continuance of criminal jury trials and the 60-day extension of time in which to conduct a criminal trial under Penal Code section 1382 are extended an additional 30 days. The total extension of 90 days shall be calculated from the last date

on which the trial initially could have been conducted under Penal Code section 1382. (For examples of computations of time see Chief's Order dated April 29, 2020.)

Pursuant to the Order of the Chief Justice dated March 30, 2020, the time period provided in Code of Civil Procedure sections 583.310 and 583.320 for the holding of a civil trial scheduled within the time frames set forth above, is extended for a period of sixty (60) days from the last date on which the statutory deadline otherwise would have expired.

### **Juror Summons**

All jury trials scheduled for March 23, 2020, March 25, 2020 (Ten Mile), and March 30, 2020 were vacated by previous order. All jury trials scheduled for the weeks of April 6, 2020 through the week of May 18, 2020 were suspended by way of the Presiding Judge's Order of April 3, 2020 and the Order of the Chief Justice dated March 23, 2020. By way of this Order and the Chief Justice's Order of April 29, 2020, all criminal jury trials are suspended through the week of June 15, 2020. Any person who has received a juror summons for any date falling within these time frames will be re-summoned for a date in the future.

### **Criminal Matters in both the Ukiah and Ten Mile Courthouses:**

#### **A. Orders To Appear – and General Orders**

1. Effective March 16, 2020, any prior order to a defendant to personally appear in a misdemeanor case scheduled between March 17, 2020 to and including May 29, 2020 is rescinded and counsel can and should appear for clients in these proceedings via Penal Code §977. Counsel can arrange to appear via CourtCall.
2. Effective March 16, 2020, the Court will accept §977 waivers executed out of court for a defendant with a pending felony criminal matter who is out of custody and who has an appearance between March 17, 2020 to and including May 29, 2020 to facilitate continuances. Fax or e-signatures will be accepted but the original should also be filed with the Court at the earliest opportunity. Emergency Rule 5 passed by the Judicial Council on April 4, 2020 and revised on April 6, 2020 shall be strictly enforced.

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**B. All Other Pending Criminal Appearances and Hearings Including Preliminary Hearings**

1. Any criminal case pending in either the Ukiah or Ten Mile courthouse with a date to appear scheduled between the dates of March 17, 2020 to and including May 22, 2020 with an in-custody defendant will be conducted via video appearance. Exceptions to this rule are only permitted with the consent of the Presiding Judge of the Superior Court.
2. Pursuant to the Order of the Chief Justice dated March 30, 2020, the time period provided in section 859b of the Penal Code for the holding of a preliminary hearing and the defendant's right to release is extended from ten (10) court days to not more than thirty (30) court days. The extension of time is effective as of March 30, 2020. This Order is to be read in conjunction with the Order of the Chief Justice issued March 17, 2020 which may have been the basis upon which to previously extend a date for preliminary hearing.
3. Pursuant to the Order of the Chief Justice dated March 30, 2020, the time period provided in section 825 of the Penal Code within which a defendant charged with a felony offense must appear before a magistrate is extended from 48 hours to not more than seven days.
4. All out of custody no-time waiver cases with an appearance between March 17, 2020 to and including May 22, 2020 shall be continued to a date in compliance with the extended statutory timelines as provided in this Order and consistent with the ongoing Shelter-in-Place Orders in effect in Mendocino County.
5. All other criminal matters including infractions with appearances set between March 17, 2020 to and including May 22, 2020 that are time-waived will be re-set as determined by the judicial officer presiding over the case with the input from counsel for a date after the rescission of the Shelter in Place Orders currently in effect. Initial appearance dates set by citation, letter to appear or promise to appear will be re-scheduled by Court order. Any scheduled initial appearance date after May 22, 2020 remains as set. All initial appearances set by way of bail bond or bond to appear shall remain as set by the bonding company.

## **Self Help Centers**

The Self Help Offices in both courthouses closed to in-person assistance effective March 17, 2020 and shall remain closed through May 29, 2020. Self-help staff will assist members of the public via email (selfhelp@mendocino.courts.ca.gov) and telephone (707-468-2020) and through the use of remote technology. Hours for operation via email or telephone are Monday through Thursday 8:30am to noon and 1pm to 4pm. The Self Help Centers are closed on Fridays. Please see [www.mendocino.courts.ca.gov](http://www.mendocino.courts.ca.gov) for further information.

## **Civil and Probate Matters**

1. Counsel in all civil and probate matters with appearances between March 17, 2020 to and including May 29, 2020 should attend via CourtCall.

2. **Unlawful Detainers/Foreclosure Injunctions-**

All Unlawful Detainer jury trials set through May 2020 were by previous Order suspended and continued. Emergency Rule 1 adopted by the Judicial Council on April 4, 2020 and revised on April 6, 2020 shall be in full force and effect until rescinded or by expiration as set forth in the Sunset provision of the rule.

3. **Small Claims Trials.** All Small Claims trials set for April 16, April 23, April 30, May 7, May 14 and May 21, 2020 in either the Ten Mile or Ukiah courthouses are vacated and shall be rescheduled for a date set by Court Order.

## **Family Law, Civil Harassment, Domestic Violence, Elder Abuse, Workplace Harassment Proceedings and Criminal Protective Orders**

1. **Child Support Hearings**

Child Support Hearings shall resume May 11, 2020 on a schedule set by the Judicial Officer.

2. **Family Law and Civil Domestic Violence**

All procedures for ex parte requests and hearings on temporary restraining orders and requests for renewal of any order after hearing including civil harassment orders or elder abuse orders or temporary custody orders are set forth in the Order of the Presiding Judge #2 issued March 20, 2020 except as follows:

- a. Any emergency protective order made under Family Code section 6250 that is issued during the state of emergency, must remain in effect for up to 30 days from the date of issuance. (See Emergency Rule of Court 8(b)(1), adopted on April 4, 2020, and revised on April 6, 2020 and April 20, 2020.)
- b. Any temporary restraining order or gun violence emergency protective order issued or set to expire during the state of emergency related to COVID-19 pandemic, must 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. (See Emergency Rule of Court 8(b)(2), adopted on April 4, 2020 and revised on April 6, 2020 and April 20, 2020.)
- c. Any criminal protective order 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. (See Emergency Rule of Court 8(b)(3), adopted on April 4, 2020 and revised on April 6, 2020 and April 20, 2020.)
- d. 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. (See Emergency Rule of Court 8(b)(4), adopted on April 4, 2020 and revised on April 6, 2020 and April 20, 2020.)

### **Family Dependency Drug Court/Adult Drug Court/ Behavioral Health Court**

Appearances in these courts in Ukiah and Ten Mile are vacated. These courts will not resume before the week of May 10, 2020 and will resume during that week unless otherwise ordered.

### **Juvenile Dependency and Juvenile Justice**

1. Pursuant to Government Code §68115(a) and written authority given to the undersigned by the Chief Justice of the Supreme Court on March 17, 2020 and April 2, 2020, the dates of March 17, 2020 and for all following dates up to and including April 17, 2020 are deemed holidays for purposes of computing time under Welfare and Institutions Code sections 315, 334, 631, 632, 637 and 657 if the emergency conditions arising from the public health crisis prevented the court from conducting proceedings or accepting filings as necessary to satisfy these deadlines on those dates.

2. Any temporary restraining order issued in a dependency or juvenile justice proceeding that would otherwise expire on March 17, 2020 through May 3, 2020 inclusive can be extended for a period of no more than 21 days.
3. Extend the time period provided in section 315 of the Welfare and Institutions Code within which a minor taken into custody pending dependency proceedings must be given a detention hearing to not more than seven days applicable only to minors for whom the statutory deadline would otherwise expire between March 17 and April 17, 2020 inclusive.
4. Extend the time periods provided in sections 632 and 637 of the Welfare and Institutions Code with which a minor taken into custody pending wardship proceedings and charged with a felony offense must be given a detention hearing or rehearing to not more than seven days, applicable only to minors for whom the statutory deadline otherwise would expire between March 17 to April 17, 2020 inclusive.
5. Extend the time period provided in section 334 of the Welfare and Institutions Code within which a hearing on a juvenile dependency petition must be held by not more than 15 days, applicable only to minors for whom the statutory deadline would expire on March 17 through April 17, 2020 inclusive.
6. Extend the time period provided in section 657 of the Welfare and Institutions Code within which a hearing on a juvenile wardship petition for a minor charged with a felony offense must be held by not more than 15 days, applicable only to minors for whom the statutory deadline would expire on March 17 through April 17, 2020 inclusive.
7. Effective April 6, 2020, the provisions of Emergency Rules 6 and 7 adopted by the Judicial Council on April 4, 2020 and revised on April 6, 2020 shall control timelines and priorities in juvenile justice and delinquency proceedings. These provisions remain in effect until 90 days after the state of emergency related to COVID-19 is lifted by the Governor or until repealed.

This implementation Order may be further amended without notice.

IT IS SO ORDERED.

Dated: May 4, 2020



ANN C. MOORMAN  
Presiding Judge of the Superior Court