

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF BUTTE

2 ORDER OF THE PRESIDING JUDGE
3 AMENDING AND EXTENDING PRIOR ORDERS
4 AFFECTING COURT OPERATIONS AND ACCESS TO THE COURTHOUSE

5 I.
6 FINDINGS

7 This Court HEREBY FINDS AND ORDERS AS FOLLOWS:

- 8 1. Since March 4, 2020, the State of California has been in a State of Emergency as a result of the
9 threat of COVID-19. Declarations of emergency have been declared on a national, state and local
10 level. As of the date of this order, the State of Emergency declaration remains.
- 11 2. Subsequent to the State of Emergency, the Governor of California, the California Judicial Council
12 and Chair of the Council, the Chief Justice of the California Supreme Court, and national and
13 local Public Health officials, and this court have issued orders and directives responsive to the
14 crisis.
- 15 3. On May 5, 2020, this court issued orders extending the previous orders restricting access and
16 limiting most calendars with said extended orders to expire on June 12, 2020. This order is
17 intended to extend, with modifications, that prior order.
- 18 4. As of the date of this order, Butte County Department of Public Health reports 74 confirmed
19 COVID-19 cases in Butte County. The Department's reports show 16 cases between March 17,
20 2020 and May 3, 2020. The reports show that between May 4, 2020 and June 12, 2020, 57 new
21 cases have been reported, including increased hospitalizations and one death, showing a
22 persistent upward trajectory of the infection rate and the seriousness of the infections. The
23 coronavirus is not abating in the state or the county.
- 24 5. For the reasons stated herein and for the reasons articulated in the prior findings and orders of
25 this court, it is ordered herein that the Butte County Superior Court will continue to limit and
26 restrict access to the courthouses and limit proceedings. Any prior orders not in conflict remain.
- 27 6. WHEREAS AND UNDER THE AUTHORITY of California Rule of Court, Rule 10.603, and
28 the responsibility of the Presiding Judge to ensure effective management of the court and perform
all acts necessary to accomplish the duties stated in the rules of court,
7. THIS COURT THEN MAKES the following temporary orders to protect all court users, court
personnel and justice partners while striving to ensure protection of due process and access to
justice, as to North Butte County Courthouse (NCCH) in Chico, and as to the Butte County
Courthouse (BCCH), and the Juvenile Courthouse in Oroville, to be effective immediately unless
otherwise indicated.

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II.
COURTHOUSE AND COURTROOM ACCESS: GENERALLY

A. MITIGATION MEASURES

1. Access to the courthouse remains limited to only those individuals who have business with the court unless further allowed or restricted as reflected herein.
2. For all persons entering or remaining inside a Butte Superior Court, a protective mask must be worn at all times with the following exceptions:
 - a. A mask worn by a judicial officer may be removed while on the bench or while in chambers. No person is required to enter chambers if the judge is not then wearing a mask.
 - b. A mask worn by court personnel may be removed at a non-public work station, or a public work station where a partition is in place between court personnel and the public or other court user.
 - c. A mask may be removed when addressing the court or testifying during a proceeding.
3. The obligation to wear a mask applies to all individuals, including defendants and regardless of custody status.
4. The Sheriff's Office is afforded discretion on enforcement as the situation warrants, including issues surrounding a child wearing a mask and when a court user reports to the Sheriff's Office a medical need to not wear a mask.
5. Exclusion from a courthouse or courtroom will be enforced to adhere to safe social distancing and limited seating.
6. Emergency Local Rules remain in place.
7. This order on Mitigation Measures is effective June 15, 2020 and remains in effect until rescinded by the court.

B. CLERK'S OFFICE

Access to the clerk's office is limited as follows:

1. **NCCH:** Effective June 15, 2020, access to the to the clerk's office or SHARP at NCCH is available for in-person counter services from 8:30 a.m. to 4:00 p.m.
 - a. Effective June 16, 2020 through June 19, 2020, access to the clerk's office or SHARP at NCCH is limited as follows:
 - i. In-person service is not available.
 - ii. Filing remains available through the drop box at the screening station, or through electronic (e-filing), and through the mail. Access remains available over the phone or online.

1 iii. Documents for pick up at NCCH may be picked up at NCCH during the restricted time
2 of June 16, 2020 through June 19, 2020, by notifying the Deputy Sheriff at screening.

3 iv. In-person self-help clerk's counter services are available for Civil and Family during the
4 restricted time of June 16, 2020 through June 19, 2020 at the courthouse in Oroville
5 (BCCH).

6 2. **BCCH:** Effective June 15, 2020, access to the clerk's office in-person counter services is
7 available from 8:30 a.m. to 4:00 p.m.

8 **C. COURTROOMS**

9 1. Access to a courtroom remains limited to:

10 a. Actual parties to a matter or individuals with a duty toward a matter on calendar that day,
11 including: a prosecutor, plaintiff attorney, defense counsel, defendants, victims or a member
12 of the victim's family or a victim advocate, investigator, law enforcement, a county or state
13 employee, a member of a Native American tribe in a dependency or guardianship proceeding,
14 or other person who has a legal obligation toward the proceeding including trial jurors, or a
15 member of the media.

16 b. Priority of seating is determined by the need of the court for the individual at the time the
17 case is called.

18 c. In no event will access be allowed when the courtroom is at seating capacity as defined herein.

19 2. The Sheriff's Office is ordered to enforce this order during the period of time listed herein to
20 ensure a safe facility for the protection of the public and court employees. The Sheriff may allow
21 others into the courthouse or courtroom if the situation warrants and seating is available within
22 the restrictions stated herein.

23 3. Those persons seated inside a courtroom will be required to sit 6 feet apart from any other person
24 (with the exception that a victim may sit next to a support person). Once a number of people are
25 seated in a courtroom or in a gathering area where 6 feet of distance cannot be maintained, no
26 additional persons can be in that gathering space.

27 4. Any person demonstrating obvious sign of illness is required to leave the courthouse.

28 5. No person may approach the Court Reporter, Clerk, Judge, or Sheriff's Deputy, without wearing
29 a mask, nor hand a Court Reporter, Clerk, Judge, or Sheriff's Deputy any unsolicited documents,
30 cards, or other items.

31 **III.**

32 **COURTHOUSE AND COURTROOM ACCESS: COURT OPERATIONS**

33 **A. BCCH**

34 1. Criminal Division In-Custody Defendants

35 a. Defendants held in custody at the Butte County jail will not be transported to the courthouse
36 for their proceeding and will appear by remote means with their consent or by Penal Code

1 section 977 with their consent, unless required by statute to be personally present, unless and
2 until as described further herein. Cases for a defendant who does not consent to remote
3 appearance without prior notice will be transported to court on a subsequent date of Monday,
4 Tuesday or Friday and consistent with any statutory deadlines to afford the Sheriff's Office
5 and the court time to prepare for the in-person appearance.

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- 7 b. Any in-custody defendant transported to the courthouse is required to follow the mitigation
8 measures ordered herein until further order of the court. Any defendant refusing the
9 mitigation measures is ordered to not be transported or not brought into the courtroom.
- 10 c. The Sheriff's Office can delay transport of a defendant who is required to be present as listed
11 above, if:
- 12 i. The defendant is receiving medical attention or requested medical attention at the jail or
13 demonstrates obvious signs of illness or has tested positive for COVID-19 or is in
14 medical isolation as a protective measure.
- 15 ii. The defendant's attorney waives the appearance for the benefit of the defendant and
16 communicates the same to the Sheriff's Office and the court. Such waiver will be on an
17 appearance by appearance basis.
- 18 d. For defendants not transported the court will ensure a record is made.

19 2. Criminal Division Out-of-Custody Defendants

- 20 a. Defense counsel will appear on behalf of their client pursuant to Penal Code section 977
21 unless directed otherwise by the court or as required by statute.
- 22 b. Defendants on calendar for a violation of Probation, Parole, Post Release Community
23 Supervision or Mandatory Supervision, or disposition following a violation, remain required
24 to personally appear as ordered by the court or the Probation Department.

25 3. Misdemeanor Out-of- Custody Calendars

- 26 a. Effective June 15, 2020, out-of-custody misdemeanor calendars will resume on a limited
27 basis with attorney only appearances pursuant to PC section 977, with the following
28 exceptions:
- 29 i. Defendants who must be served with a Domestic Violence Restraining Order or similar
30 order that requires by statute personal service on the defendant.
- 31 ii. Pro Per and Self Represented Litigants may appear on their own behalf.
- 32 iii. Victims of crimes who want to appear at sentencing.
- 33 iv. Probation Officers.
- 34 b. Limited Basis: One judge will call a single set of calendars on Monday and Tuesdays
(alternating weeks) and Wednesday and Thursday (each week).

1 c. This order on out-of-custody misdemeanor defendants appearing by counsel remains until
2 further order of the court.

3 4. Bail To Appear (BTA) Calendars

4 a. Effective June 19, 2020, in person Bail to Appear calendars resume for each Friday at 8:30 a.m.

5 b. To afford social distancing, the calendar is modified as follows:

6 i. Defendants are allowed to enter the courthouse and courtroom if self-represented.

7 ii. No more than 10 defendants may be in the audience seating of the courtroom at any one
8 time.

9 iii. The calendar will be called on a first arrival basis.

10 iv. On arrival into the courtroom, the defendant will be provided a green statement of rights
11 form. The defendant will sign the form and leave it on counsel's table when called
12 forward by the court. The court will arraign the defendant and advise of their right to
13 counsel and appoint a Public Defender if the defendant attests they are not able to afford
14 an attorney. The defendant will be given a court date set at eight weeks out and directed
15 to fill out a white financial statement form and file the form in the clerk's office after the
16 proceeding has concluded and before the defendant leaves the courthouse. At the next
17 hearing, the court will hear from the Public Defender on whether they accept the
18 appointment, including whether an ability to pay hearing needs to be held.

15 v. Clerk's Arraignments will occur in the courtroom for Counsel half an hour before the
16 start of the calendar.

17 c. Additional calendar settings for Bail to Appear matters remain scheduled as follows:

18 i. Fridays at 1:30 p.m. June 19, 2020 through August 21, 2020

19 ii. Mondays at 1:30 p.m. July 6, 2020 through August 3, 2020

20 5. Misdemeanor In-Custody Defendants

21 a. Effective July 6, 2020, in-custody misdemeanor calendars will resume. Calendars will be
22 called pursuant to the scheduling in place prior to the March 30, 2020 order restricting
23 calendars.

24 6. Felony Calendars

25 a. Effective July 6, 2020, dual calendars for Wednesday and Thursday with in-custody
26 defendants transported to the courthouse for calendar proceedings will resume.

26 i. In-custody defendants can be transported to the courthouse consistent with the mitigation
27 measures ordered herein.

28 ii. Out-of-custody Felony represented defendants will not personally appear but may appear
by remote means by phone or through counsel until further order of the court.

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2 iii. An out-of-custody defendant may appear in-person if self-represented.

3 b. Until Further Order of the Court: Preliminary Hearings:

4 i. In-custody time not waived defendants remain the only hearings to be held. For such a
5 hearing the defendant may be transported to the courthouse.

6 ii. Witnesses are presumed to appear through remote means (video/Zoom) unless an
7 objection is made and an exception is allowed by the judge. Consideration of whether
8 there is good cause for remote appearance of a witness should include the infection rate
9 within the county, the highly contagious and deadly nature of COVID-19, and whether
10 there is an evidentiary need for an in-person appearance, the weight of which affects due
11 process rights. The intent of this order is to strongly discourage in-person witness
12 testimony and promote remote appearance by a witness, absent a reason as stated herein.

13 iii. Objection to remote appearance by a witness shall be filed with the court and served on
14 opposing counsel 3 court days prior to the call of the Preliminary Hearing.

15 iv. The implementation order issued previously remains, wherein the statutory time in which
16 to hold a time not waived Preliminary Hearing is 30 court days.

17 v. Out-of-custody time waived cases will not be held unless time permits and all
18 appearances of witnesses and defendants are by remote means and there is no objection.

19 7. Criminal Jury Trials

20 a. Effective July 13, 2020, the court will hold felony jury trials for in-custody time not
21 waived cases.

22 b. Jury trials will be subject to protocols and procedures to issue by separate order wherein
23 mitigation measures are in place.

24 c. Access to the courthouse is allowed then for prospective jurors so summoned.

25 d. Access to the courthouse is allowed then for counsel, witnesses and individuals
26 connected to a litigant or the case. Restrictions remain as to maintaining distance of 6
27 feet and as otherwise ordered.

28 8. Collaborative Court

 a. Effective August 3, 2020, Collaborative Court Calendars will resume.

 b. Out-of-custody defendants may then appear in person.

 9. Juvenile Calendars

 a. Dependency (WI § 300) Calendars: No change from prior orders.

 b. Delinquency (WI § 602) and Transitional-Aged-Youth (TAY) Calendars:

1 No change from prior orders. Remote appearance will continue until 90 days after the
2 State of Emergency ends.

3 c. Juvenile Traffic: Calendars resumed on May 22, 2020. That order remains.

4 d. Adoptions: Adoption calendars resumed on May 19, 2020. That order remains.
5 No persons other than the prospective adoptive parent or a 12-year-old or older child(ren)
6 may attend until 90 days after the State of Emergency ends.

6 **B. NCCH**

7 1. Civil Division: The following calendars resumed on May 19, 2020 and remain as ordered then.

8 a. Civil Court Trial

9 b. Trial Readiness Conferences

10 c. Mandatory Settlement Conferences

11 d. Pre-Trial Discovery Conferences

12 e. Law and Motion Calendars

13 f. Case Management Calendars

14 g. Small Claims

15 h. Unlawful Detainers (subject to restrictions as separately ordered by this Court, the
16 Judicial Council and the State of California)

17 i. Civil Harassments

18 2. Probate: All Probate calendars resumed as regularly scheduled on May 19, 2020. That order
19 remains.

20 a. LPS calendars shall continue to be heard as scheduled on Tuesdays at 10 a.m. Counsel
21 may appear by CourtCall or appear in Court. Clients may appear telephonically or the
22 attorneys may appear on their behalf.

23 b. Guardianship of Minors: Annual reviews shall be conducted ex-parte and continued for
24 one year if the guardianship continues to be in the best interest of the minor. Petitions
25 for guardianship and termination of guardianship will be heard on Thursdays at 1:30 p.m.
26 at NCCH.

27 3. Court Mediation

28 a. Services in Civil Harassment or Unlawful Detainer matters will not be available until
further order of the court.

b. Mediation services in Small Claims remains available dependent on mediator availability.

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4. Traffic

- a. Matters shall continue to be called at the North County Courthouse (NCCH), with a limit to 15 cases at 8:30 a.m.
- b. Any “extension fee” for non-mandatory appearances pursuant to Penal Code section 1205(e) will be waived through August 3, 2020.
- c. Traffic Court trials resumed as scheduled as of June 1, 2020. That order remains.

5. Family Division

- a. Effective July 13, 2020 RFO Calendars will continue as follows:
 - i. RFO matters will be set for morning calendars only.
 - ii. Calendars will be set with no more than 15 matters per session for each Department (Judge Keithley, Judge McLean).
 - iii. Afternoon sessions will be available for Long Cause hearings and settlement conferences.
 - iv. Once the cap is reached, no other cases shall be set for that calendar for that week unless required by statutory timelines or an order shortening time.
- b. VIP (Day-of-Court Child Custody Mediation): VIP services continue to be suspended until further order of the court.
- c. Child Custody Mediation:
 - i. Effective June 15, 2020, in-person child interviews will begin. The mediator will determine the appropriate age for the in-person interview.
 - ii. Access to Mediation continues to be limited to phone interviews or as Mediation directs.
- d. Case Status Conferences set through June 30, 2020 remain continued for six months.
- e. DCSS Calendars resumed on May 19, 2020. That order remains.
- f. CourtCall is available and encouraged in lieu of a personal appearance with the exception of contempt proceedings.
- g. The court discourages litigants from having children attend any hearing.

1 6. Ex-parte Applications

- 2 a. Civil: Applications which set forth irreparable harm, immediate danger or statutory
3 grounds for ex parte relief pursuant to California Rule of Court, Rule 3.1202(c) will
4 continue to be set for hearing at 4pm Monday through Thursday and 1:30pm on Fridays
5 at the North County Courthouse. Applications which do not meet these criteria will be
6 denied. This is a prior order that remains until 90 days after the end of the State of
7 Emergency.
- 8 b. Family: Ex Parte Hearings in Family Law will be heard at 3:00 p.m. at NCCH, with the
9 exception that the time for hearing will be 4:00 p.m. from June 16, 2020 through June
10 19, 2020.
- 11 c. The deadline for filing an Ex Parte request for an emergency hearing in Family Law is
12 now set at 12:00 p.m. (Noon) on the day of the requested hearing, consistent with
13 Emergency Local Rule 16.5(c).

14 **SO ORDERED.**

15 Date: 6/12/2020

16 Clare Keithley
17 Hon. Clare Keithley
18 Presiding Judge