

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BENITO

Order No. 2020-10

**EXPANSION OF COURT SERVICES WITH)
PROTECTIVE REQUIREMENTS)
_____)**

WHEREAS, the Presiding Judge of the Superior Court of State of California, County of San Benito finds as follows:

FINDING 1. On March 4, 2020, the Governor of the State of California declared a State of Emergency due to the introduction and spread of the novel international COVID-19 virus. On March 13, 2020, the President of the United States of America declared a National Emergency.

FINDING 2. On March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, ordering all individuals living in the State of California to stay home or their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors.

FINDING 3. Chief Justice Cantil-Sakauye recognized in her Statewide Order dated March 23, 2020, that the health restrictions implemented to combat the spread of OVID-19 prevent superior courts from operating normally.

FINDING 4. On April 6, 2020, the Judicial Council of California took certain actions in response to the COVID-19 crisis, including, adopting statewide bail regulations.

FINDING 5. Chief Justice Cantil-Sakauye and the Judicial Council of California have taken extraordinary actions to combat the spread of the virus including, but not limited to, extending speedy trial timelines, extending preliminary examination timelines and extending the time persons arrested for certain crimes can be held in jail without being brought before a magistrate as well as expanding the propriety of remotely conducted proceedings.

FINDING 6. On April 24, 2020, the San Benito County Public Health Officer issued an Order applicable to all individuals in the County of San Benito to wear face coverings in public while in any indoor facility, directing all essential businesses and governmental agencies within the county to require all individuals within the facilities to wear face coverings to reduce spread of COVID-19.

FINDING 7. In response to the health threat posed by COVID-19, the national, state and local government agencies have taken the actions specified above, which actions consequently have restricted the processing of cases in California courts, including cases filed in the Superior Court, San Benito County.

FINDING 8. It is necessary to resume government operations, including the operations of the courts, as soon as possible while maintaining protection of the court users, justice partners, court employees, and the public.

FINDING 9. The Governor has since relaxed some restrictions of his Shelter-in-place order, based on the varying degrees of infections in specific counties. However, the risk of infection remains high if certain protective actions such as social distancing, the use of facial coverings, the avoidance of a number of people congregating and the time of congregation, especially indoors, are not scrupulously followed.

FINDING 10. The threat of the continuing COVID-19 virus is extremely serious, given the fact that it is a novel disease without current proven effective treatment or vaccines, and the infection continues to pose a risk of serious harm and death to a substantial portion of the population of the United States, California and the County of San Benito.

FINDING 11. The Center for Disease Control (CDC) states that scientific evidence indicates the most prevalent means of transmitting the virus is person-to-person transmission, in many cases, by persons without any demonstrable symptoms.

FINDING 12. Scientific evidence also demonstrates that certain measures can reduce person-to-person transmissions. These measures include, without limitation, the following:

- social distancing of a minimum space of six (6) feet between people,
- reducing the number of people gathering in enclosed spaces,
- reducing the time a person indoors may be subject to potential exposure,
- use of facial coverings over the mouth and nose,
- social practices such as frequent hand washing for a minimum of 20 seconds and the avoidance of touching one's face,
- cough and sneeze etiquette, and
- use of hand sanitizers

FINDING 13. The above scientific evidence is why the Centers for Disease Control, the California Department of Public Health, and local county health departments have recommended policies to address the reality of the pandemic, specifying the stringent measures noted above.

FINDING 14. The courts are clearly environments with high risks during this pandemic because they require gatherings of judicial officers, court staff, litigants, attorneys, witnesses, defendants, law enforcement, the public and juries in excess of the numbers allowed for gathering under current executive and health orders, indoors for long periods of time.

FINDING 15. Any increase of court services must incorporate the recommended practices specified herein or later identified in order to protect litigants, justice partners, court staff and members of the public at large since the health, safety and lives of the parties in civil and criminal proceedings, the public, court staff, judicial officers, attorneys, witnesses, jurors, and others present at these proceedings is of paramount importance.

I, the Presiding Judge of the Superior Court, State of California, in and for the County of San Benito, conclude that the path to the resumption of normal operations shall include the restrictions contained in this order as such are balanced between the traditionally unfettered access to the courts against the need to protect the health and safety of persons who use and depend upon the court system to obtain justice under the rule of law. Such restrictions also are now necessary to prevent the need for further and more serious restrictions that may be faced if the spread and the effects of the COVID-19 virus are not controlled. The spread of the virus is highly probable should the measures specified herein not be taken.

Accordingly, as the Presiding Judge of the Superior Court of the State of California, in and for the County of San Benito, I hereby order as follows:

ORDER 1. Access to the San Benito County courthouse remains restricted at all times, with access to all court facilities and proceedings held therein, including, but not limited to, arraignments, preliminary hearings, restraining orders or ex parte matters, limited to, parties, attorneys, witnesses, court employees, or authorized persons, which includes, but is not limited to, janitors, delivery persons, news reporters and news media representatives, provided that any such persons do not pose a risk of transmitting COVID-19 to others. Unless otherwise authorized by the judicial officer presiding over a particular matter and until further order of the court, public access of non-confidential proceedings shall be restricted to internet or other electronic media access, including without limitation, Zoom or equivalent access, unless such access be unavailable, in which case a transcript of a specific proceeding shall be provided by the court to a member of the public upon request, without charge. Members of the press shall be allowed access to any non-confidential proceeding in the most practicable manner possible in light of the requirements to protect the health and safety of all court users and in a manner to be approved by the judicial officer presiding over the specific case in question.

ORDER 2. All persons in the San Benito County Courthouse and on court premises must abide by social distancing, maintaining a minimum space of six (6) feet between persons, except as authorized by court management where such distancing cannot practicably be provided.

ORDER 3. Each person must provide their own facial mask, covering mouth and nose and must wear the facial covering at all times in public and work areas of the courthouse, except when such person is alone in that person's private office.

ORDER 4. All persons entering the San Benito County Courthouse must submit to a temperature screening, by the least intrusive means possible, prior to entering the courthouse. No individual shall be permitted to enter the San Benito County Courthouse, if a temperature screening of the individual is 100.4° F or greater.

ORDER 5 Upon the expansion of services as specified in ORDER 6, members of the public may access the clerk's office by the public windows which shall be open from 8:00am to 4:00pm. ORDER 1 shall otherwise remain in effect with regard to access to court facilities and proceedings.

ORDER 6. I adopt the attached interim calendar (Attachment A) which will enable the court to expand services while maintaining the essential protections to combat the spread of COVID-19. This schedule will be effective, commencing July 6, 2020.

ORDER 7. Services provided in the Family Court Services portion of the courthouse by, including, without limitation, the Family Law Facilitator, Mediation, and the Self-Help Center, may continue, with the consent of all parties, to be provided and received remotely through the use of the internet, telephonically or by other electronic means.

This order shall be effective immediately and shall remain in effect until modified or rescinded.

Dated: June 9, 2020



Steven R. Sanders
Presiding Judge
Superior Court of San Benito County