

1 **SUPERIOR COURT**  
2 **COUNTY OF SAN BERNARDINO**  
3 247 West Third Street, Eleventh Floor  
4 San Bernardino, CA 92415-0302  
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7 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **FOR THE COUNTY OF SAN BERNARDINO**  
9

10 **IN RE:**

11 FIFTH AMENDMENT TO  
12 IMPLEMENTATION OF EMERGENCY  
13 RELIEF AUTHORIZED PURSUANT TO  
14 GOVERNMENT CODE SECTION 68115,  
15 STATEWIDE ORDERS DATED MARCH  
16 23, 2020, MARCH 30, 2020 AND APRIL  
17 29, 2020 BY CHAIR OF JUDICIAL  
18 COUNCIL, AND EMERGENCY RULES  
19 AND/OR AMENDED EMERGENCY  
20 RULES OF THE CALIFORNIA RULES OF  
COURT ADOPTED BY THE JUDICIAL  
COUNCIL OF CALIFORNIA ON APRIL 6,  
17, AND 19, 2020

GENERAL ORDER OF THE  
PRESIDING JUDGE

21 Due to Governor Gavin Newsom proclaiming a State of Emergency in California  
22 as a result of COVID-19; Governor Newsom issuing a statewide shelter in place order  
23 with limited exceptions for essential services; state Public Health Officers announcing  
24 that gatherings should be postponed or canceled across the State until at least the end  
25 of May 2020; Governor Newsom declaring that persons gathered in connection with  
26 essential services must implement social distancing of 6 feet per person; the County of  
27 San Bernardino Public Health Department declaring a local health emergency and  
28 issuing an order consistent with the guidelines of Governor Newsom and the State

GENERAL ORDER: IMPLEMENTATION OF EMERGENCY RELIEF

1 Public Health Officers; President Donald Trump declaring a national emergency and  
2 issuing directives targeted at reducing social contact to reduce the spread of COVID-19;  
3 in accordance with the March 17, 2020 emergency order of Chief Justice Tani G. Cantil-  
4 Sakauye (Chief Justice), Chair of the Judicial Council of California, under the authority  
5 granted pursuant to Government Code Section 68115, and issued in response to the  
6 March 16, 2020 request for an emergency order made by the Superior Court of San  
7 Bernardino County, and subsequent requests for extensions of the emergency orders  
8 made on March 23, 2020 and April 28, 2020 and granted by order of the Chief Justice  
9 on April 1, 2020 and April 29, 2020, respectively; Governor Newsom, on March 27,  
10 2020, issuing Executive Order N-38-20, which among other things, suspended  
11 Government Code section 68115 and any other provision of law to the extent that those  
12 laws impose or imply a limitation on the Chief Justice's authority to authorize via  
13 emergency order or statewide rule, any court to take any action deemed necessary to  
14 maintain the safe and orderly operation of the courts; pursuant to the Statewide Orders  
15 executed by the Chief Justice on March 23, 2020, March 30, 2020, and April 29, 2020;  
16 pursuant to the amendments to the California Rules of Court adopted by the Judicial  
17 Council of California on April 6, 17, and 19, 2020; and under the authority granted  
18 pursuant to Government Code Section 68115 to protect the health and safety of the  
19 public, court personnel, and criminal litigants brought before the court, the court  
20 HEREBY ORDERS AS FOLLOWS:

- 21 1. The court shall, effective immediately, use its best efforts within available  
22 resources to implement where appropriate Emergency rules 1 through 13 of  
23 the California Rules of Court as adopted by the Judicial Council of California  
24 effective April 6, 2020, April 17, 2020 and April 19, 2020 concerning the  
25 following matters and processes:
- 26 a. Unlawful detainers (Emergency Rule 1)
  - 27 b. Judicial foreclosures – suspension of actions (Emergency Rule 2)
  - 28 c. Use of technology for remote appearances (Emergency Rule 3)

- d. Emergency Bail Schedule (Emergency Rule 4)
  - e. Personal appearance waivers of defendants during health emergency (Emergency Rule 5)
  - f. Emergency orders: juvenile dependency proceedings (Emergency Rule 6)
  - g. Emergency orders: juvenile delinquency proceedings (Emergency Rule 7)
  - h. Emergency orders: temporary restraining or protective orders (Amended Emergency Rule 8)
  - i. Toll the statutes of limitations for civil causes of action (Emergency Rule 9)
  - j. Extensions of time in which to bring a civil action to trial (Emergency Rule 10)
  - k. Depositions through remote electronic means (Emergency Rule 11)
  - l. Electronic service (Emergency Rule 12)
  - m. Effective date for requests to modify support (Emergency Rule 13)
2. From March 17, 2020 through May 28, 2020, the court may hold sessions anywhere in the county, including in correctional and juvenile detention facilities.
  3. For purposes of computing time for filing papers with the court under Code of Civil Procedure sections 12 and 12a, March 17, 2020 through May 28, 2020, inclusive, are deemed holidays.
  4. Notwithstanding any other law, the statutes of limitation for civil causes of action are tolled from April 6, 2020, until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted.
  5. March 17, 2020 through May 28, 2020 are deemed holidays for purposes of accepting filings as necessary to satisfy the deadlines or for computing time under:

- a. Welfare and Institutions Code section 313 (time to release minor taken into custody pending dependency proceedings)
  - 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 (time to release minor taken into custody pending wardship proceedings)
  - e. Welfare and Institutions Code section 632 (time to hold detention hearing for minor taken into custody pending wardship proceedings)
  - f. Welfare and Institutions Code section 637 (time to hold detention rehearing in wardship proceedings if parent/guardian files affidavit asserting lack of notice of hearing or minor requests evidence of prima facie case)
  - g. Welfare and Institutions Code section 657 (time to hold hearing on wardship petition)
6. From April 29, 2020 through May 28, 2020, all courtrooms except for limited courtrooms in San Bernardino Justice Center, Victorville, Joshua Tree, San Bernardino Historic and Juvenile Court will be closed for judicial business, except for the following time-sensitive, essential functions:
- a. Civil temporary restraining orders involving violent conduct;
  - b. Family ex parte matters including domestic violence proceedings and other safety issues;
  - c. Civil ex parte matters (when parties can appear remotely)
  - d. Hague Convention (international kidnapping);
  - e. Probate ex parte hearings concerning elder abuse;
  - f. Probate emergency petitions for temporary guardianship;

- 1 g. Probate emergency petitions for temporary conservatorship;
- 2 h. Riese hearings;
- 3 i. Electronically submitted day and nighttime warrants including the
- 4 following:
- 5 i. Search;
- 6 ii. Arrest;
- 7 iii. Juvenile detention;
- 8 iv. Juvenile interview;
- 9 v. Bail enhancement;
- 10 vi. Emergency protective orders;
- 11 vii. PEN register;
- 12 viii. GPS;
- 13 ix. Parole;
- 14 x. DUI;
- 15 xi. Gun violence RO
- 16 xii. Locate a missing child and/or party who has violated a
- 17 custody or visitation order
- 18 j. Criminal, in-custody and/or other time-sensitive or critical matters,
- 19 including, but not limited to, pre-preliminary and preliminary hearings;
- 20 k. Emergency writs challenging COVID-19 emergency measures;
- 21 l. In-custody arraignments;
- 22 m. In-custody juvenile dependency and delinquency proceedings;
- 23 however, in accordance with Emergency Rules 6 and 7, the following
- 24 proceedings should be prioritized in accordance with existing statutory
- 25 time requirements until the state of emergency related to the COVID-
- 26 19 pandemic is lifted:
- 27 i. Protective custody warrants filed under Welfare and
- 28 Institutions Code section 340;

- 1                   ii. Detention hearings under Welfare and Institutions Code
- 2                   section 319;
- 3                   iii. Psychotropic medication applications;
- 4                   iv. Emergency medical requests;
- 5                   v. Petitions for reentry of a nonminor dependent;
- 6                   vi. Petitions filed under Welfare and Institutions Code section
- 7                   388 that require an immediate response based on the
- 8                   health and safety of the child;
- 9                   vii. Hearing on any request for a warrant for a child; and
- 10                  viii. Probable cause determinations for children who have been
- 11                  detained but have not had detention hearings within the
- 12                  statutory time limits.

13                  These matters will be conducted with strict distancing protocols of at least 6 feet

14                  of social distance between persons being followed.

15                  7. To the extent the court accepts and/or processes filings associated with the

16                  time-sensitive and/or essential functions described in paragraph 6, or

17                  performs preliminary administrative work on files to prepare for the

18                  resumption of services, such acceptance and/or processing shall not alter the

19                  designation and application of the court holidays and extensions provided by

20                  this Order.

21                  8. In accordance with the statewide orders issued by the Chief Justice on March

22                  23, 2020, March 30, 2020 and April 29, 2020:

23                       a. All civil jury trials are suspended and continued for a period of sixty

24                       **60** days from March 23, 2020 (until May 22, 2020). However, due

25                       to the following circumstances:

26                               i. Governor Newsom and state public health officials

27                               announcing that gatherings should be postponed or

28                               canceled across the state until at least the end of May

1 2020 and that persons gathered in connection with  
2 essential services must implement social distancing of 6  
3 feet per person, the Court is experiencing and/or has  
4 reasonable cause to expect to experience: inadequate  
5 facility space to maintain the State and County  
6 recommended social distance of at least six feet between  
7 persons, inadequate staff to enforce the State and County  
8 recommended social distance of at least six feet between  
9 persons, inadequate staff to support normal court  
10 operations as staff are calling out for work due to self-  
11 quarantine, caregiving needs for children who out of  
12 school, or other reasons associated with this pandemic,  
13 and adverse impacts to court operations and proceedings  
14 as justice partners are also impacted by reduced staff and  
15 compromised levels of service

16 ii. the timeframes for which the court must conduct criminal  
17 trials under section 1382 of the Penal Code,

18 the court finds good cause to suspend and continue civil jury trials up to an additional  
19 90 days from May 22, 2020 (until July 24, 2020). The court may conduct a trial at an  
20 earlier date, upon a finding of good cause shown or through the uses of remote  
21 technology, when appropriate.

22 b. The time period provided in section 1382 of the Penal Code for the  
23 holding of a criminal trial is extended by no more than **90** days from  
24 the last date on which the statutory deadline would otherwise have  
25 expired. The court may conduct such a trial at an earlier date, upon a  
26 finding of good cause shown or through the use of remote technology,  
27 when appropriate. This **90** day extension applies only to those matters  
28 for which the last date on which the trial could be conducted under

1 Penal Code section 1382 occurred or will occur between March 16,  
2 2020 and June 15, 2020.

3 9. In accordance with Emergency Rule 10:

- 4 a. Notwithstanding any other law, including Code of Civil Procedure  
5 section 583.310, for all civil actions filed on or before April 6, 2020, the  
6 time in which to bring the action to trial is extended by six months for a  
7 total time of five years and six months.
- 8 b. Notwithstanding any other law, including Code of Civil Procedure  
9 section 583.320, for all civil actions filed on or before April 6, 2020, if a  
10 new trial is granted in the action, the three years provided in section  
11 583.320 in which the action must again be brought to trial is extended  
12 by six months for a total time of three years and six months. Nothing in  
13 this subdivision requires that an action must again be brought to trial  
14 before expiration of the time prescribed in (a).

15 10. All other matters are hereby continued by the court. The parties shall receive  
16 notice stating the specific time and date of the continuance in their cases.

17 11. The court extends the following deadlines for the period beginning April 29,  
18 2020 through May 28, 2020:

- 19 a. The time provided in section 825 of the Penal Code within which a  
20 defendant charged with a felony offense must be taken before a  
21 magistrate is extended from 48 hours to not more than 7 days.
- 22 b. The time period provided in section 859b of the Penal Code for the  
23 holding of a preliminary examination is extended from 10 court days to  
24 not more than 30 court days.
- 25 c. The time period provided in section 313 of the Welfare and Institutions  
26 Code within which a minor taken into custody pending dependency  
27 proceedings must be released from custody is extended to not more  
28 than 7 days.



- d. 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 is extended to not more than **7** days.
- e. The time periods provided in sections 632 and 637 of the Welfare and Institutions Code within which a minor taken into custody pending wardship proceedings and charged with a felony must be given a detention hearing or rehearing is extended to not more than **7** days.
- f. 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 is extended by not more than **15** days.
- g. The time period provided in section 657 of the Welfare and Institutions Code within which a hearing on a wardship petition for a minor charged with a felony offense must be held is extended by not more than **15** days.

12. In accordance with Amended Emergency Rule 8, the court will apply the protocols set forth in (a)-(d) below for 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:

- 1 a. Any emergency protective order made under Family Code section  
2 6250 that is issued during the state of emergency must remain in  
3 effect for up to 30 days from the date of issuance.
- 4 b. Any temporary restraining order or gun violence emergency protective  
5 order issued or set to expire during the state of emergency related to  
6 the COVID-19 pandemic must remain in effect for a period of time that  
7 the court determines is sufficient to allow for a hearing on the long-  
8 term order to occur, for up to 90 days.
- 9 c. Any criminal protective order, subject to this rule, set to expire during  
10 the state of emergency, must be automatically extended for a period of  
11 90 days, or until the matter can be heard, whichever occurs first.
- 12 d. Upon the filing of a request to renew a restraining order after hearing  
13 that is set to expire during the state of emergency related to the  
14 COVID-19 pandemic, the current restraining order after hearing must  
15 remain in effect until a hearing on the renewal can occur, for up to 90  
16 days from the date of expiration.

17 13. The San Bernardino County Probation Department may review and authorize  
18 the release of in-custody inmates that meet the pretrial services release  
19 requirements pending further hearing.

20 14. Upon assessment by the San Bernardino County Probation Department, the  
21 San Bernardino County Sheriff is authorized to release those identified by the  
22 San Bernardino County Probation Department as low risk through the pretrial  
23 program. The Probation Department may develop terms of release, which, if  
24 violated may result in a criminal defendant's return to custody.

25 15. The court is authorized under rule 10.613(i) of the California Rules of Court to  
26 adopt any proposed rules or rule amendment that is intended to address the  
27 impact of the COVID-19 pandemic to take effect immediately, without  
28 advance circulation for 45 days of public comment. A copy of any such rule

1 change, if adopted, must be provided to Judicial Council staff and the court  
2 must post notice of the change prominently on the court's website, along with  
3 the effective date of the new or amended rule. Additionally, the court must  
4 immediately distribute the new or amended rule as set forth in rule  
5 10.613(g)(2). No litigant's substantive rights shall be prejudiced for failing to  
6 comply with the requirements of a new or amended rule until at least 20 days  
7 after the rule change has been distributed.

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9 THIS ORDER IS EFFECTIVE IMMEDIATELY.

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11 Dated: April 30, 2020.

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15 MICHAEL A. SACHS  
16 Presiding Judge of the Superior Court  
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