THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

Because of the COVID-19 pandemic, leading to health and safety concerns and resulting in substantial operational impediments, and the proclamations of states of emergency by federal, state, and local officials, it was determined on thirteen prior occasions that the conditions described in Government Code section 68115 were met with regard to the Superior Court of California, County of Marin (Court). Based on those determinations, and pursuant to the Court's requests, corresponding emergency orders issued authorizing the Court to implement certain relief under Government Code section 68115. Upon the renewed request of Presiding Judge Andrew E. Sweet, it is now determined that conditions described in Government Code section 68115(a) continue to exist (Gov. Code, § 68115(c)), and it is ordered that the Court is authorized to do the following:

- Hold sessions anywhere in the county, including in correctional and juvenile detention facilities, from February 7, 2021, to March 5, 2021, inclusive (Gov. Code, § 68115(a)(1));

- Declare that from February 7, 2021, to March 5, 2021, inclusive, be deemed holidays for purposes of computing the time for filing papers with the Court under Code of Civil Procedure sections 12 and 12a, if the above-described emergency conditions substantially interfere with the public's ability to file papers in a court facility on those dates (Gov. Code, § 68115(a)(4));

- Declare that from February 7, 2021, to March 5, 2021, inclusive, be deemed holidays for purposes of computing time under Welfare and Institutions Code sections 313, 315, 334, 631, 632, 637, and 657, if the above-described emergency conditions prevent the Court from conducting proceedings or accepting filings as necessary to satisfy these deadlines on those dates (Gov. Code, § 68115(a)(5));

- Extend the time period provided in section 1382 of the Penal Code for the holding of a criminal trial by not more than 30 days, applicable only to cases in which the initial or previously extended statutory deadline otherwise would expire from February 7, 2021, to March 5, 2021, inclusive (Gov. Code, § 68115(a)(10); Executive Order N-38-20 (03-27-20));*

- Extend the time period provided in section 313 of the Welfare and Institutions Code within which a minor taken into custody pending dependency proceedings must be released from custody to not more than seven days, applicable only to minors for whom the statutory deadline otherwise would expire from February 7, 2021, to March 5, 2021, inclusive (Gov. Code, § 68115(a)(11));

- 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 otherwise would expire from February 7, 2021, to March 5, 2021, inclusive (Gov. Code, § 68115(a)(11));

- Extend 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 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 from February 7, 2021, to March 5, 2021, inclusive (Gov. Code, § 68115(a)(11));

- 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 otherwise would expire from February 7, 2021, to March 5, 2021, inclusive (Gov. Code, § 68115(a)(12)); and

* This authority supplements the authority to extend section 1382 deadlines granted to the Court in prior emergency orders. Accordingly, for any case in which the time to bring a defendant to trial previously was extended under one or more prior emergency order, and the extended deadline falls within the above-specified time period, this order authorizes the Court to extend the previously extended deadline by up to an additional 30 days. For any case in which the initial section 1382 deadline falls within the above-specified time period and is not governed by a prior emergency order, this order authorizes the Court to extend the time to bring a defendant to trial by a total of up to 30 days.

- Extend 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 by not more than 15 days, applicable only to minors for whom the statutory deadline otherwise would expire from February 7, 2021, to March 5, 2021, inclusive (Gov. Code, § 68115(a)(12)).

Date: February 4, 2021

T. Cantil-Sakauye

Hon. Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council