THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

Because of the COVID-19 pandemic, leading to health and safety concerns resulting in substantial operational impediments, and the proclamations of states of emergency by federal, state, and local officials, it was determined on March 18, 2020; April 16, 2020; May 15, 2020; June 10, 12, and 19, 2020; July 13, 2020; August 11, 2020; September 10, 2020; October 9, 2020; November 9, 2020; and December 9, 2020, that the conditions described in Government Code section 68115 were met with regard to the Superior Court of California, County of Stanislaus (Court). Based on those determinations, and at the Court's request, 12 prior emergency orders issued authorizing the Court to implement certain relief under Government Code section 68115. Upon the renewed request of Presiding Judge Robert B. Westbrook, it is determined that the 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 January 8, 2021, to February 5, 2021, inclusive (Gov. Code, § 68115(a)(1));

- Declare that from January 8, 2021, to February 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 January 8, 2021, to February 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 periods provided in sections 583.310 and 583.320 of the Code of Civil Procedure to bring an action to trial by not more than 90 days, applicable only to cases in which the deadline otherwise would expire from January 8, 2021, to February 5, 2021, inclusive (Gov. Code, § 68115(a)(6));

- Extend the time period provided in section 825 of the Penal Code within which a defendant charged with a felony offense must be taken before a magistrate from 48 hours to not more than 7 days, applicable only to cases in which the statutory deadline otherwise would expire from January 8, 2021, to February 5, 2021, inclusive (Gov. Code, § 68115(a)(8));

- 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 original or previously extended statutory deadline otherwise would expire from January 8, 2021, to February 5, 2021, inclusive (Gov. Code, § 68115(a)(10))*;

- 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 January 8, 2021, to February 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 January 8, 2021, to February 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

* This authority supplements section 68115(a)(10) 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 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.

a detention hearing or rehearing to not more than seven days, applicable only to minors for whom the statutory deadline otherwise would expire from January 8, 2021, to February 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 seven days, applicable only to minors for whom the statutory deadline otherwise would expire from January 8, 2021, to February 5, 2021, inclusive (Gov. Code, § 68115(a)(12)); and

- 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 January 8, 2021, to February 5, 2021, inclusive (Gov. Code, § 68115(a)(12)).

Date: January 7, 2021

T. Cantil-Sakauye

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