



Superior Court of California

County of Fresno

Michael L. Elliott
Court Executive Officer/Clerk/Jury Commissioner

Dawn Annino
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Date: December 14, 2020

From: Michael L. Elliott, Court Executive Officer

To: Superior Court Judges and Staff

Re: Reducing Court Operations due to COVID-19

On December 10, 2020, Presiding Judge Arlan L. Harrell signed an Administrative Order Reducing Court Operations Due To COVID-19 Regional Stay-At-Home Order.

This is a result of the health concern presented by the surge in novel coronavirus cases in Fresno County, and the Regional Stay-at-Home Order announced by Governor Newsom, made effective December 6, 2020, by the Fresno County Public Health Department and other health departments in the San Joaquin Valley Region, as a protective measure. To help limit the spread of COVID-19 among the citizens of Fresno County, the Court has suspended all civil and criminal jury trials until January 11, 2021.

The following procedures will be implemented at each of the four courthouses and at the Archives Department:

Main Courthouse (MCH)-1100 Van Ness Ave, Fresno CA 93724:

Criminal Jury Trials will be suspended until January 11, 2021. In progress jury trials may continue at the discretion of the presiding trial judge.

The Court will continue to hear in-custody (misdemeanor, felony, and violation of supervision) criminal cases. All parties are encouraged to attend hearings via Zoom and counsel is strongly encouraged to obtain a waiver of the defendant's personal appearance, pursuant to Penal Code § 977 (977 waiver).

All misdemeanor and felony out-of-custody criminal matters, previously set by the Court where defense counsel has made an appearance, will proceed as currently set. Counsel is encouraged to appear on behalf of their client, using the 977 waiver. If the defendant appears at the Main Courthouse, the matter will be triaged by court personnel and the defendant will

Reducing Court Operations due to COVID-19
December 14, 2020

be advised to contact their attorney. An entry will be made in the Courts Case Management System (CMS) reflecting their appearance as soon as possible.

All out-of-custody misdemeanor arraignments and arraignment hearings on an alleged misdemeanor violation of probation, where an attorney has not yet made an appearance will be continued. The defendant is required to appear at the Main Courthouse to sign a "Promise to Appear" notification and will be provided a new court date. The notification and appropriate entries will be entered into CMS as soon as possible.

All out-of-custody felony arraignments and arraignment hearings on alleged supervision violations, including formal probation, Mandatory, Post release, and Parole supervision, where an attorney has not yet made an appearance will be continued. The defendant will need to appear at the Main Courthouse to sign a "Promise to Appear" notification and will be provided a new court date. A defendant who has a private or public attorney should contact the attorney's office before the court date. The attorney may be able to appear on the defendant's behalf. The notification and appropriate entries entered into the CMS as soon as possible.

Matters involving "Not Yet Filed" cases (bond matters) that have a court date will be continued. The defendant will need to appear at the Main Courthouse on their hearing date to sign a "Promise to Appear" notification and will be provided a new court date. The notification and appropriate entries will be entered into CMS as soon as possible.

These procedures also apply to Drug Court, Behavioral Health Court, AB 1810 (Mental Health Diversion), and Veteran's Court.

Triage Locations-MCH:

The Fresno Superior Court will have triage locations for defendants and members of the public to speak with court employees about their criminal case(s) or other types of matters pertaining to criminal cases. The Fresno County Sheriff's Department Court Security Unit (CSU) will be assisting in the triage process and directing people to the appropriate location.

The Superior Court staff will utilize the B1 Criminal Clerk's Office (B1 moat public entrance) and the Action Center located on the main floor of the Fresno Superior Court, Room C-140, as locations where defendants, victims, and witnesses can receive information about current court matters on calendar.

- There will be signage that will read, "If you have court today..."

If it is determined by court personnel that a defendant or a member of the public is not required to be present in court, they will be advised to exit the building on the first floor.

Reducing Court Operations due to COVID-19
December 14, 2020

The Superior Court staff will also utilize the outside windows at the B1 moat to assist the members of the public that need to file a motion, pay a fine, file a criminal complaint, receive a referral etc.

- There will be signage that will read, "Filing/Payments/Questions"

If a victim or witness appears at one of the triage locations, and are requesting entry to the courthouse, they will be provided a slip to the specific courtroom and should be allowed into the courthouse, with appropriate screening from the Sheriff's Department.

If it is determined that a defendant needs entry into the courthouse, they will also be provided a slip to the specific courtroom and should be allowed into the courthouse, with appropriate screening from the Sheriff's Department.

There may be instances when a justice partner (Attorney, Law Enforcement Officer, Investigator, etc.) may need to enter the courthouse for a court hearing and/or other official business. They may be permitted in a similar fashion.

If you need additional information, the Department can be reached at 457-1801 or email your request to InfoDeskCrim@fresno.courts.ca.gov.

Traffic Courthouse-2317 Tuolumne Street, Fresno CA 93721:

The Traffic Division will continue current operations. Zoom appearances are available for arraignment and court trials and are strongly encouraged. Personal appearances in Court are discouraged.

The Traffic Department will continue to hold the morning arraignment calendar from 9:00 a.m. to 12:00 p.m., heard Monday through Wednesday, with limited seating if appearing in-person. You can also request to appear remotely via Zoom, but the request must be submitted for consideration three days before the hearing.

Traffic Court Trial hearings will continue as scheduled either in-person or via Zoom.

The Traffic Department's Clerk's office will only be open for customers checking-in for a hearing.

For further options on how to resolve your case without coming to court, please visit the Traffic Department website at <http://www.fresno.courts.ca.gov/traffic/>.

If you need additional information, the Department can be reached at 457-1700 or email your request to InfoDeskCrim@fresno.courts.ca.gov.

Reducing Court Operations due to COVID-19
December 14, 2020

Archives Department- 1963 E Street, Fresno CA 93706:

The Archives Department remains open and the Court will require adherence to health guidelines – including a mandatory facial covering and a minimum of six feet distance between each person, while in court facilities. Furthermore, to enforce social distancing, the Archives Division will only allow 3 members of the public in the computer room at any point in time and for a maximum period of 15 minutes. A line will form outside the entrance following social distancing practices. Check-in is required at the Archives counter before entering the computer room and screening questions will be asked.

The public can also use the information desk to request information and please see attached: <https://info.fresno.courts.ca.gov/InfoDesk-Criminal/InfoDeskForm-CriminalTraffic.aspx>.

If you need additional information, the Department can be reached at 457-4903.

Juvenile Dependency- 1100 Van Ness Ave, 2nd-Floor, Fresno CA 93724:

Juvenile Dependency will continue to hear all cases, in light of the current California Rules of Court, Emergency Rules 3 and 6. All parties are encouraged to utilize Zoom. However, if parties appear in person for the following departments:

Dept. 21 Commissioner Green;
Dept. 22 Commissioner Le Mon; and
Dept. 23 Judge Arax;

The individuals will go through the screening process and CSU will send them to the 2nd-floor dependency clerk's office. Staff will check in the parties and direct them to the appropriate courtroom.

These procedures also apply to the Family Dependency Treatment Court.

If you need additional information, the Department can be reached at 457-4810.

Jury Office- 1100 Van Ness Ave, Fresno CA 93724:

All Jury Trial will be suspended until January 11, 2021. The jury office will be closed but will continue to answer phones and correspondence.

If you need additional information, the Department can be reached at 457-1600.

Reducing Court Operations due to COVID-19
December 14, 2020

SISK Courthouse-1130 O Street, Fresno Street, Fresno CA 93721:

All Clerk Offices will remain closed to the public. Court personnel will be assigned to the SISK lobby on the 1st-floor each day from 8:00 a.m. through 10:00 a.m. and 1:15 p.m. through 2:00 p.m. to assist parties who have cases on calendar.

Court personnel is also assigned to the lobby every afternoon from 3:15 p.m. to 3:45 p.m. to disburse Domestic Violence/Civil Harassment Restraining Orders.

Civil Unlimited:

All civil unlimited mandatory settlement conferences, trial readiness hearings, and jury trials scheduled to occur from Friday, December 11, 2020, through Monday, January 11, 2021, inclusive, will be rescheduled to occur on later dates in 2021 and 2022. All of these cases will be re-noticed for Trial Setting Conferences to be held in Department 503 on Tuesday, January 12, 2021. Appearance by CourtCall is strongly encouraged. The new settlement conference, trial readiness, and trial dates will be assigned at that time based upon a case-by-case assessment.

For the week of December 14, 2020, and the month of January 2021, civil unlimited law and motion will be heard as follows:

Monday – No matters

Tuesday – Dept. 403 @ 9:00 a.m. or 1:30 p.m. (Judge Culver Kapetan)

Wednesday – Dept. 501 @ 9:00 a.m. or 1:30 p.m. (Judge Tharpe)

Thursday – Dept. 502 @ 9:00 a.m. or 1:30 p.m. (Judge McGuire)

Friday – Dept. 503 @ 9:00 a.m. or 1:30 p.m. (Judge Gaab)

Notices will be sent with the new hearing dates and times for cases affected by the changes in the schedule.

For the week of December 21, 2020, civil unlimited law and motion will be heard as currently set. No law and motion will be heard the week of December 28, 2020, due to reduced staffing days.

Civil Limited/Small Claims:

All small claims matters scheduled in Dept. 402 to occur from Tuesday, December 15, 2020 through Thursday, January 28, 2021, inclusive, will be rescheduled to occur on later dates in 2021. Notices will be sent with the new hearing dates and times.

If you need additional information, the Department can be reached at 457-1900.

Family Law:

All Family Law and Family Law DCSS matters will continue to be heard as scheduled, with the following exceptions:

All trials/long cause contested hearings will be continued and rescheduled to a trial setting date in the department of origin. Notices will be sent with the new hearing dates and times.

Courtroom appearances are limited to attorneys and parties on the case. In departments utilizing Zoom, attorneys and self-represented litigants are strongly encouraged to appear remotely whenever possible (unless ordered to be present), however, in-person appearances are still allowed.

Attorneys and self-represented litigants are strongly encouraged to appear via CourtCall for Case Management Conferences in Department 202 on Tuesday and Wednesday mornings, and for Settlement Conferences in Department 202 on Tuesday and Wednesday afternoons, however, in-person appearances are still allowed.

Please refer to Notification Regarding Family Law Cases and Notification Regarding Family Law DCSS Cases on the Court's website, effective 8/1/2020.

If you need additional information, the Department can be reached at 457-2100.

Probate:

From December 14, 2020, through January 8, 2021, all Probate matters on calendar will be continued except for the following:

- Mental Health Appointments/Reappointments;
- Mental Health Court Trials;
- LPS Writ hearings;
- LPS Riese hearings;
- Temporary LPS Conservatorships;
- Emergency Ex parte for Temporary Guardianships and Conservatorship.

Reducing Court Operations due to COVID-19
December 14, 2020

All other hearings scheduled to occur from December 14, 2020, through January 8, 2021, will be continued to the next available calendar date. Notices of the new date will be sent in each case. Parties are encouraged to check Odyssey and the Examiner notes posted in the Probate Section of the Court's website for case information. Emergency ex parte requests will be addressed on a case-by-case basis.

If you need additional information, the Department can be reached at 457-1888.

Self Help Services:

Self-help windows will be closed. All appointments will be conducted via Zoom or scheduled phone times only.

Juvenile Delinquency-Juvenile Justice Campus- 3333 E. American, Fresno CA 93725

Juvenile Delinquency proceedings will continue to be heard, pursuant to Juvenile Justice Court procedures, in light of the current California Rules of Court, Emergency Rules 3 and 7.

These procedures also apply to Family Behavioral Health Court, Juvenile Drug Court, and Friday Court.

If you need additional information, the Department can be reached at 457-4810.

Drop Boxes:

The Main Courthouse drop box is available from 8:00 a.m. to 4:00 p.m.
Location: 1100 Van Ness Avenue, Fresno CA 93724

The B.F. SISK Courthouse, drop box is available from 8:00 a.m. to 5:00 p.m.
Location: 1130 O Street, Fresno Street, Fresno CA 93721

The Traffic Department's drop box is available from 8:00 a.m. to 4:00 pm. (During Reduced Staffing Days from December 24, 2020, through December 31, 2020, the drop box at the Traffic Department will not be available. The drop box at the Main Courthouse will be available during that period)
Location: 2317 Tuolumne Street, Fresno CA 93721

Anything deposited in the drop box is left at your own risk. The Court assumes no responsibility for statutory deadlines

Documents may be deposited for Appeals, Civil, Criminal, Family Law, Probate and Traffic cases. If personal contact with a clerk is necessary, you must return during regular business hours and speak with a court employee.

Fresno Superior Court COVID-19 Courthouse Safety Protocols:

To ensure the safety of Superior Court Judges, staff, justice partners, and the public, the Fresno Sheriff's Office Court Security Unit (CSU) will ensure the following safety protocols as related to measures being taken to deal with the COVID-19 in our facilities.

CSU will monitor and enforce all entry lines outside each of the 4 courthouses. CSU will make frequent verbal announcements to those waiting in line to abide by social distancing standards while bringing to the public's attention the 6 foot spaced markings on the ground outside each entrance.

CSU will either verbally ask the screening questions or ask individuals to read the screening questions that are posted at each entrance. Any person that answers YES to any of the questions will not be allowed to enter the courthouses. CSU staff will capture names of those individuals not allowed into a courthouse and forward to the Court Administration.

Individuals entering any courthouses will have their temperature taken via a no-touch temporal thermometer. If anyone fails the temporal screening they will not be allowed in the courthouses.

CSU will enforce the facial covering requirement in accordance with the Presiding Judge's order and Local Rule 1.1.19. Persons stating they cannot wear a facial covering - based on a medical exemption - will be directed to contact ADA Coordinator Fenix Batista at (559) 457-2176 or via the Court's website to fill out the appropriate paperwork asking for an accommodation.

Children will not be allowed into the courthouse.

CSU - as staffing allows - will monitor and ensure the limit of 6 individuals per elevator.

CSU will monitor and enforce social distancing in the courtrooms.

CSU will enforce the facial covering requirement throughout the courthouse. In the event, LE personnel, attorneys, defendants, witnesses, victims, media, and individuals who have identified business in the courthouse for that specific day refuse to wear a facial covering (absent a verified ADA accommodation) CSU will escort that person(s) out of the courthouse.

If a medical condition prevents you from wearing a facial covering, you will need to request and obtain an ADA accommodation before being admitted to the facility. You may obtain information about ADA accommodations on our website at: http://www.fresno.courts.ca.gov/general_info/ada.php.