

2020 MAR 23 AM 10:09

STANDING ORDER 2020-01
SUPERIOR COURT OF CALIFORNIA
JUVENILE DIVISION
COUNTY OF SAN BENITO

BY: 
AURELIA RODRIGUEZ

**STANDING ORDER TEMPORARILY SUSPENDING IN-PERSON VISITATION WITH
FOSTER CHILDREN DURING THE SAN BENITO COUNTY SHELTER IN PLACE ORDER
DUE TO COVID-19**

On March 4, 2020, the Governor of the State of California declared a State of Emergency due to the introduction and spread of the international COVID-19 virus. On March 13, 2020 the President of the United States of America also declared a National Emergency. 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 at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors.

As of March 20, 2020, the Center for Disease Control reported 15,219 cases and 201 deaths due to COVID-19. As of March 20, 2020, there are 5 confirmed cases of COVID-19 and one death in San Benito County.

As of March 17, 2020, the San Benito County Public Health Officer issued an Order applicable to all individuals living in the County of San Benito to Shelter in Place and directing all businesses and governmental agencies to cease non-essential operations within the county, and to prohibit all non-essential gatherings of any numbers of individuals or non-essential travel. Said Order is effective until April 7, 2020, with violations punishable by fine, imprisonment, or both (California Health and Safety Code 120295). The Shelter in Place order has resulted in the need for closure of agencies providing services to dependent children and their families, including visitation services as they are not enumerated essential services or essential businesses.

Welfare and Institutions Code section 361.2 mandates that visitation between children in out-of-home care and their parents must be as frequent as possible, consistent with the well-being of the child. Section 361.2 also outlines the importance of preserving and promoting sibling relationships.

This court and collaborative partners recognize that visitation is vital for health and wellbeing of children and families. Given the extent of the COVID-19 emergency/pandemic and the Shelter in Place orders, it is not reasonable to require dependent children, their parents and resource families to participate in visitation at this time.

Balancing the conflict between the legal mandates to support reunification and the current emergent safety of all children and participants in the dependency system, the court finds it appropriate and urgent to make the following orders:

1. Court-ordered visitation between children placed out of home and their parents or guardians or siblings or others shall be suspended temporarily ~~for the duration of the Shelter in Place orders.~~ *until April 8, 2020.*
2. In order to protect everyone involved as well as the general public, San Benito

County Health & Human Services Agency is hereby ^{ordered} authorized to substitute computer/cell phone assisted video conferencing (i.e. Skype, Zoom, FaceTime, WhatsApp) and/or telephonic contact in place of court ordered in person visitation ~~whenever feasible~~. Health & Human Services Agency is also authorized to delegate supervision of any such computer/cell phone assisted video conferencing and/or telephonic contact to a dependent's caregiver or other responsible adult whenever possible, given the staffing and resource shortage caused by this health emergency. Health & Human Services Agency continues to have discretion to facilitate alternative visitation on a case-by-case, depending on the best interests of the child.

3. This order does not prohibit Health & Human Services Agency, in appropriate cases when all parties agree, from authorizing an extended visit^{if court ordered or authorized} (where a child removed from the home of their parent is allowed to live with the parent(s) under the expectation that a plan of reunification Family Maintenance would be ordered by the court once the Sheltering in Place order is lifted) despite the lack of a pending court date.

This order is effective immediately and shall continue until April 8, 2020. This issue shall be reassessed by the Juvenile Court on April 8, 2020 to determine whether the Sheltering in Place Order was extended, thereby an extension of this order would be necessary for the safety of children, their biological families, their resource parents, and service providers.

This order is intended to meet the statutory requirement pursuant to Welfare and Institutions Code Section 19 that protective services are fully provided to dependent children to ensure that the physical, mental and moral welfare of the children are not threatened by their present circumstances or environment.

Date: 3-23-2020



Judge, San Benito County Superior Court