

**STANDING ORDER 2020-05**

**SUPERIOR COURT OF CALIFORNIA  
JUVENILE DIVISION  
COUNTY OF SAN BENITO**

**STANDING ORDER TEMPORARILY SUSPENDING IN-PERSON VISITATION WITH FOSTER  
CHILDREN DURING THE SAN BENITO COUNTY SHELTER IN PLACE ORDER DUE TO  
COVID-19- #2**

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 April 5, 2020, the California Center for Disease Control reported 14,336 positive COVID-19 cases and 343 deaths in California due to COVID-19. As of April 6, 2020, there are 30 confirmed cases of COVID-19 and two deaths in San Benito County.

On March 31, 2020, the San Benito County Public Health Officer issued an Order extending the previous Shelter in Place Order to May 3, 2020 and imposing stricter social distancing guidelines. The new order is applicable to all individuals living in the County of San Benito. Said Order is effective until May 3, 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.

On March 23, 2020, this court issued an order temporarily suspending in-person visitation until April 8, 2020, and ordered San Benito County Health & Human Services Agency to substitute computer/cell phone assisted video conferencing (ie. Skype, Zoom, FaceTime, WhatsApp) and/or telephone contact in place of court ordered in person visitation. 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 in-person visitation at this time.

On April 6, 2020, the California Judicial Council adopted Emergency Rules in response to the COVID-19 pandemic. Emergency Rule 6 subsection (c)(7) specific to juvenile dependency proceedings orders that during the state of emergency related to the COVID-19 pandemic, previously authorized visitation must continue, but the child welfare agency is to determine the manner of visitation to ensure that the needs of the family are met. If the child welfare agency changes the manner of visitation for a child and a parent in reunification, the child welfare agency must notify the attorneys for the children and parents within 5 court days of the change.

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. In person court-ordered visitation between children placed out of home and their

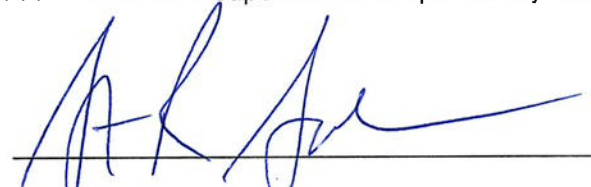
parents or guardians or siblings or others shall be suspended temporarily for 90 days after the termination of the Declaration of Emergency.

2. In order to protect everyone involved as well as the general public, San Benito County Health & Human Services Agency is hereby ordered 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 increased 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 90 days after termination of the Declaration of Emergency, unless subsequently amended or rescinded. San Benito County Health & Human Services Agency shall notify the attorneys for the children and parents within 5 court days of any change in their visitation due to this order. This order may be deemed part of the record in affected cases without the need to file an order in each case. This order supersedes the previously issued March 23, 2020 order.

Date:

4-9-2020



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Judge, San Benito County Superior Court