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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN BENITO

**RESCISSION OR MODIFICATION OF CERTAIN
RESTRICTIONS ADOPTED IN RESPONSE TO
THE COVID-19 PANDEMIC**

ORDER NO. 2021-3

WHEREAS Governor Gavin Newsom on March 4, 2020 proclaimed the existence of a state of emergency in California in response to the global COVID-19 pandemic;

WHEREAS despite significant progress and favorable rates of vaccination, San Benito County and the State of California remain under a state of emergency; and

WHEREAS the Superior Court of California, County of San Benito ("Court") recognizes the need to comply with guidance issued by the California Department of Public Health, CalOSHA, and the San Benito County Health and Human Services Agency to prevent, mitigate, respond to, and recover from the COVID-19 pandemic.

NOW, THEREFORE, I find good cause to order that:

1. The restrictions adopted in response to the COVID-19 pandemic limiting access to the courthouse, courtrooms, and court proceedings are rescinded.

2. The requirement that all persons in the courthouse abide by social distancing is rescinded.

3. The requirement that persons entering the courthouse submit to temperature screening is rescinded.

4. Members of the public who are fully vaccinated against COVID-19 are not required to wear a mask in the courthouse. Members of the public who are not fully vaccinated against COVID-19 must provide their own mask, covering mouth and nose, and must wear the mask at all times while in the courthouse. Any member of the public who requests an in-person meeting with a family court service staff member may be asked to wear a mask as a courtesy.

5. Court employees will no longer be required to wear a mask in the courthouse upon submission of a certification of full vaccination. Any court employee who has not submitted a certification of full vaccination must provide his or her own mask, covering mouth and nose, and must wear the mask at all times while in the public and work areas of the courthouse, except when such person is alone in that person's private office.

6. The Court's policy on remote access, as specified in Emergency Rule 4 section 2.0(b), remains in effect. Emergency Rule 4 section 2.0(b) states "Any appearance in a civil, criminal and juvenile case, excluding jury trials, may be conducted by remote internet-facilitated proceedings (via ZOOM or otherwise) or telephonically conducted, consistent with and except as otherwise required by California Rules of Court, Emergency Rule 3 and 5, as adopted by the Judicial Council of California on April 6, 2020. Remote access for criminal and juvenile matters shall be allowed only if the request is based on COVID considerations. All litigants and counsel in any court proceeding shall provide to the clerk of the appropriate department (civil, criminal or juvenile) notice of such person's email address or telephone number no less than two (2) court days before such proceeding along with the reason such person desires to remotely appear. For any proceeding conducted remotely, the litigant (or counsel for such litigant, if represented) is responsible for arranging for the remote appearance of any out-of-custody party or witness. Until further order of the court, all persons in custody shall appear remotely. The San Benito County Jail shall facilitate the remote appearance of, and confidential communication with counsel of, any person incarcerated therein."

7. Order 2020-10 (“Expansion of Court Services with Protective Requirements”) orders 1, 2, 3, 4, and 5, Emergency Rule 4 sections 1.0(a), 2.0(a), 2.0(c), 2.0(e), and 2.2, and any other portion of an order or emergency rule adopted by the Court in response to the COVID-19 pandemic inconsistent with this order are hereby repealed.

Pursuant to the authority granted in the Statewide Order issued by Chief Justice Cantil-Sakauye on March 23, 2020, this order shall take effect on June 28, 2021.

IT IS SO ORDERED.

Dated this 28th day of June, 2021.

Hon. J. Omar Rodriguez
Presiding Judge