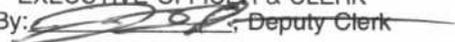


Superior Court of California
County of Nevada

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF NEVADA

APR 22 2020

JASON B. GALKIN
EXECUTIVE OFFICER & CLERK
By:  Deputy Clerk

**TEMPORARY EMERGENCY ORDER REGARDING COURT ORDERED VISITATION
IN DEPENDENCY CASES DURING THE COVID-19 PANDEMIC**

On March 19, 2020, Governor Gavin Newsom issued a statewide order for all California residents to "shelter in place" due to the COVID-19 pandemic.

On April 6, 2020 the Nevada County Public Health Officer, in part declaring because cases had been detected in Nevada County, with transmission expected to increase in frequency over the coming days and weeks, and because COVID-19 is easily transmitted between individuals who are in close proximity to one another, thereby creating a substantial danger to the health of the public within Nevada County, issued an Order for self-quarantine requirements for household contacts, intimate partners, caregivers and close contacts of persons with or likely to have Covid-19.

On April 15, 2020, the Nevada County Public Health Officer issued a "Clarification of Stay-At-Home or Place of Residence Requirements as They Pertain to Individuals and Businesses in the County." The Order stated that as a result of the COVID-19 global pandemic, there are over 22,000 confirmed cases and over 600 deaths in California, with 34 COVID-19 cases detected in Nevada County. Covid-19 is easily transmitted between individuals who are in close proximity to one another, thereby creating a substantial danger to the public, with transmission expected to increase over the coming days and weeks. This Order places extreme limitations on the ability of individuals to gather together in public or private settings outside the household or living unit. Gatherings were deemed prohibited unless they are for the limited purposes of performing "Essential Services." The Order makes exceptions for travel as required by court order and travel for parental custody arrangements. The order does not prohibit any individual from performing or accessing "Essential Governmental Functions" as long as they are in compliance with Social Distancing Requirement.

The above protective measures impact many court-ordered, in-person visits between dependent children who have been placed out of home and their parents and at times their siblings. The Court and all Juvenile Court partners acknowledge Welfare & Institutions Code §361.2 mandates 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. The law clearly delineates regular visitation is vital to the reunification of families. Therefore, in making this order, the court balances the importance of visitation against the current pressing public health crisis.

FOR GOOD CAUSE SHOWN, THE COURT FINDS AND ORDERS AS FOLLOWS:

1. On March 19, 2020, due to the public health emergency caused by the COVID-19 pandemic and the proclamation of a state of emergency by federal, state, and local officials an Order was signed to temporarily suspend dependency court ordered in-person visitation for dependents of the juvenile court and their relatives/non-relative extended family members. The purpose of this Order, which includes supervision of and transportation to and from visits, was to protect the health and safety of dependent children/youth, their families, and the general public.

2. On March 27, 2020, the United States Children's Bureau issued a letter to all those involved in child welfare cases stating that visitation is important for child and parent well-being, especially in times of crisis, and encouraged a case-by-case determination concerning the kind of child and parent contact that can be accomplished while balancing the current state of emergency and the necessity to take drastic measures to stop the spread of the virus.

3. On April 2, 2020, this Court issued another Order and included additional provisions regarding the suspension of orders for other court-ordered services that had been suspended by services providers. The Order also required that Child Welfare Services (CWS) conduct a case-by-case evaluation and assessment of parents' participation in services to ascertain whether unsupervised contact and frequency ordered by the court is in the child's best interest.

4. On April 6, 2020, the Judicial Council of California adopted Item No. 20-141 Emergency Rule 6(c)(7) which in part stated, "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 or legal guardian in reunification, or for the child and a sibling(s), or a hearing is pending under Welfare and Institutions Code section 366.26, the child welfare agency must notify the attorneys for the children and parents within 5 court days of the change. All changes in manner of visitation during this time period must be made on a case-by-case basis, balance the public health directives and best interest of the child, and take into consideration whether in-person visitation may continue to be held safely."

5. Following the Judicial Council adoption of Emergency Rule 6(c)(7), CWS is providing individualized case-by-case assessments of whether and what kind of visitation is in the best interests of each child. Such assessments shall continue to be timely provided to counsel and the Court by email.

6. CWS will continue to provide previously authorized visitation and determine the manner of visitation to ensure the needs of the family are met. This determination will be made on a case-by-case basis, evaluating the health and safety of the child, parents, and caregivers during the COVID-19 pandemic. If during this period, CWS determines that in-person visitation cannot be held safely, CWS will notify all parties within 5 court days of the determination that visitation has become unsafe. Visitation may only be suspended if a detriment finding is made in a particular case based on the facts unique to that case. A detriment finding must not be based solely on the existence of the impact of the state of emergency related to the COVID-19 pandemic or related public health directives.

7. Where in-person visitation has been suspended, CWS will set up teleconferencing, FaceTime, Facebook Messenger, Skype, Zoom, WhatsApp, or other electronic communication to include telephone contact. If either the parent or caregiver does not have the needed equipment, CWS will assist the child, parent, caregiver or sibling with obtaining access to such equipment ensure the telephonic and/or video contacts occur. Consistent with the well-being of the youth, the social worker will authorize increased digital and social media communication between children and parents to keep children, parents and siblings connected.

8. If the child is in a confidential placement, CWS will arrange three-way video or telephone calls that protect the confidentiality of both the caregiver and the parent. CWS will devote staff and resources to arrange these calls. The contacts shall be at least as frequent as the court-ordered in person visitation.

9. If any party disagrees with CWS's change in the manner of visitation, after making reasonable efforts to meet and confer with all counsel through electronic means, that party or attorney may bring an emergency request to the Court with notice to all parties so that the matter can be decided by the Court without undue delay. Such request shall be made no later than 14 days after having received notice from CWS of the suspension of in-person visitation. The burden of proof shall be on the requesting party to prove that the change in visitation is not in the best interest of the child or is not based on current public health directives.

10. If the child is in placement with family or a NREFM, the social worker is authorized to arrange for family/NREFM supervised visitation if all parties are in agreement.

11. Where the assigned social worker assesses that a caregiver and a parent are able to safely, willingly, and appropriately coordinate in-person visitation, such as in an open outdoor space where social distancing can be accomplished and where there is no use of playground equipment, the social worker may authorize such visitation with notice to all counsel. At the outset of every scheduled visit the

caregiver and/or social worker will assess whether any participant is displaying Covid 19 symptoms and if so, the in-person visit will be cancelled. Each participant and counsel for a child must agree to appropriate screening including submitting to having his or her temperature taken before such visitation. The caregiver, parent and child shall follow Center for Disease Control recommendations for hygiene practices, including washing hands before and after visits.

IT IS SO ORDERED.

Date: April 20, 2020

A handwritten signature in black ink, appearing to read "Candace J. Hibel", written over a horizontal line.

JUDGE OF THE SUPERIOR COURT