

Superior Court of California County of Santa Clara

191 North First Street
San José, California 95113
(408) 882-2700



HON. DEBORAH A. RYAN, Presiding Judge

HON. THEODORE C. ZAYNER, Assistant Presiding Judge

HON. LORI E. PEGG, Supervising Judge, Family Division

HON. CHARLES F. ADAMS, Assistant Supervising Judge, Family Division

REBECCA J. FLEMING, Chief Executive Officer

NOTICE

INFORMATION REGARDING FAMILY DIVISION OPERATIONS DURING COVID-19 PUBLIC HEALTH EMERGENCY (May 8, 2020)

On March 16, 2020, the County of Santa Clara Public Health Officer issued an order directing all individuals living in Santa Clara County to shelter at their place of residence except that they may leave to provide or receive essential services or engage in certain essential activities and work for essential businesses and governmental services to mitigate the spread of COVID-19. The Public Health Officer issued additional orders extending these directives on March 31, 2020, and April 29, 2020.

To effectuate the Public Health Officer's order while also continuing to provide essential services, the Family Division shall operate in the following manner until further notice:

1. Pursuant to the General Orders implementing emergency relief issued by Presiding Judge Deborah A. Ryan on March 23rd, April 1st, and April 29, 2020, the periods from March 17, 2020, to March 27, 2020, inclusive; March 30th and April 28, 2020, inclusive; and April 29th and May 29, 2020, inclusive; are deemed holidays for purposes of computing time for filing papers with the court under Code of Civil Procedure sections 12 and 12a for all of the following:

(a) Petitions for Dissolution of Marriage, Legal Separation or Nullity; Petitions to Establish Parental Relationship; Summons and Complaint filed by the Department of Child Support Services; and Requests for Order, except requests for Domestic Violence Restraining Order (DVRO).

(b) The time in which to respond to discovery, including to file objections to discovery, or file motions for protective orders or to compel discovery pursuant to Code of Civil Procedure sections 2016.010 et seq.

(c) The time to file, hear and rule on any post-trial motions including but not limited to a notice of intention to move for a new trial, and the time file, to hear and to decide a motion for a new trial, pursuant to Code of Civil Procedure sections 659 et seq.

The list of matters identified above is illustrative rather than exhaustive, and there may be other matters affected by the time provisions included in the General Orders.

2. All family law trials and Family Code section 217 evidentiary hearings, excluding Requests for DVRO, scheduled between Tuesday, March 17, 2020, through Friday, May 29, 2020, are hereby vacated. Trials originally scheduled during this period will be re-scheduled to a Status Conference.

Pursuant to Emergency Rule 8 of the California Rules of Court, adopted by the Judicial Council on April 6, 2020, all DVRO trials scheduled between March 17, 2020, through May 1, 2020, will be continued by the court for up to 90 days, except where the court has determined that child custody and visitation must be addressed.

When normal operations resume, the court will set new trial dates for all affected family cases, taking into consideration the original trial date, the exigency of the subject matter, and any statutory priority.

3. Mandatory settlement conferences scheduled between March 17, 2020, through May 29, 2020, are hereby vacated. When normal operations resume, the court will set new mandatory settlement conference dates. Alternatively, the parties may be contacted to participate in a settlement conference using telephone, remote, or tech-based services.

4. All law and motion matters scheduled between March 17, 2020, through May 29, 2020, are hereby continued, excluding: (a) some requests for DVRO; (b) Order to Show Cause re: Contempt, where personal appearance may be necessary to preserve the court's jurisdiction; (c) Requests for Order or other matters involving the safety of children, such as Emergency Screenings, and (d) other urgent matters requiring judicial intervention, scheduled at the court's discretion.

Any Temporary Emergency Order shall remain in effect until the continued hearing date, unless otherwise indicated by the court.

Parties and counsel are strongly encouraged to arrange for telephonic appearances through CourtCall.

5. Most Status Conferences scheduled between March 17, 2020, through May 29, 2020, are hereby continued. The court will send notice of a re-scheduled Status Conference.

6. Most Judicial Custody Conferences, Custody Settlement Conferences, and Custody and Visitation Review Hearings scheduled between March 17, 2020, through May 29, 2020, are hereby continued. The court will send notice of a re-scheduled conference or review hearing.

7. Most matters scheduled before a Child Support Commissioner between March 17, 2020, through May 29, 2020, are hereby continued. The court will send notice of the re-scheduled hearing date.

FAMILY COURT FAQs

Can I still file pleadings while the Shelter in Place Order is in effect?

Yes. The Clerk's Office is open on a limited basis for parties who need to file restraining orders or other urgent pleadings.

To file non-urgent pleadings, parties may use the drop box in the lobby of the Family Justice Center Courthouse.

Parties may also continue to file pleadings using the Court's e-filing system.

Is the Court still holding hearings?

Yes. Though most hearings have been continued to future dates, the Court is still holding hearings for matters it has deemed urgent.

Is the Court conducting any Family Division trials?

No. All trials scheduled through May 29, 2020, have been continued to a status conference after July 1, 2020.

How do I know if my hearing date has been changed?

The Court will send a notice in the mail to the parties if their hearing date has changed.

Parties may also check to see if a hearing date has changed using the Court's online Public Portal by searching for their case number or checking the calendar.

Can I appear by telephone at a hearing?

Yes. All parties, joined parties, attorneys and minor's counsel are authorized to appear via CourtCall through July 6, 2020, for any matter except for the day of an emergency screening.

How do I know where in the courthouse to go for my hearing?

All family court hearings are currently being held in Department 72 on the 6th Floor and Department 77 on the 7th Floor. To determine your hearing department, you can check the

schedule that is posted at the metal detector and in front of the courtrooms on the 3rd, 6th and 7th Floors.

Can I receive help filling out court paperwork while the Shelter in Place Order is in effect?

Yes. The Self-Help Center and the Restraining Order Help Center are open to help with paperwork related to restraining orders and emergency child custody and visitation orders.

Do I need to wear a mask at the courthouse?

The Court strongly encourages that all individuals entering the courthouse wear a mask or face-covering at all times. Judges may require that individuals entering the courtroom wear face-coverings while in the courtroom.

I submitted a pleading to the Clerk's Office for filing but have not received anything back. Should I be concerned?

No. The Clerk's Office is still processing pleadings but is prioritizing urgent matters. As a result, it may take longer to receive a filed copy of your pleading.

If you are requesting relief related to child, spousal, partner or family support, Emergency Rule 13 of the California Rules of Court allows you to serve your request on the other party before it is filed and assigned a hearing date. Any order modifying or terminating support pursuant to an unfiled request may be deemed effective as of the date the request and supporting papers were served.

If you serve an unfiled request related to child, spousal, partner or family support, you must also serve on the other party a filed copy of the request and supporting papers that includes the assigned hearing date once you receive it.

Is the Court hearing any issues related to child, spousal, partner or family support while the Shelter in Place Order is in effect?

The Court is not generally hearing matters related to support; however, some support issues deemed urgent by the judicial officer may be heard while the Shelter in Place Order is in effect.

Contempt matters set before a child support commissioner are being heard with all parties appearing by telephone.

Is Family Court Services still conducting mediations?

Yes. Family Court Services is conducting mediations remotely. If you were previously ordered to mediation, you will review a notice in the mail of your mediation date and time. The mediator will call you and it may be from a blocked number.