

To all family law litigants and counsel:

In light of continued local shelter-in-place orders and phased re-opening orders by Governor Newsom, California Chief Justice Tani Cantil-Sakauye has extended prior orders authorizing extension of various timelines for jury trials and other proceedings. The San Mateo County Superior Court has issued its Sixth Emergency Response calendar memo order viewable at:

http://www.sanmateocourt.org/documents/court_news_and_notices/071320.pdf effective through August 28, 2020. In view of these restrictions and in consultation with the family law bench, the San Mateo County Superior Court is implementing the following calendar procedures for family law effective through August 28, 2020.

1. Trials

All court trials that were in progress, not yet completed, and interrupted by COVID-19 will be scheduled in their direct-calendar departments for completion. The direct calendar department will contact affected litigants and counsel to coordinate setting of dates for completion of trial. Completion of trial will be set for in-person appearances, and all parties, counsel, and witnesses will be expected to appear in person. Social distancing requirements will be observed and enforced during in-person appearances, and face coverings will be required of all participants who are not exempted from wearing them by public health officer directives. Any exception to the requirement for in-person appearance at trial must be obtained from the judicial officer in advance of the scheduled trial date. All other court trials scheduled to occur on or before August 28, 2020 will continue to be postponed and rescheduled for a later date.

2. RFO calendars

All pending RFOs dealing only with property division, attorney's fees, and non-emergency support modifications (excluding DCSS matters) scheduled to be heard between now and August 28, 2020 will be postponed and rescheduled for a later date. Child custody RFOs where no initial custody orders have been made or where there is a request for emergency modification based on a documented report of abuse, abandonment, or neglect will continue to be heard.

Beginning on June 22, 2020, hearings on child support and spousal support RFOs previously postponed due to COVID-19 where no initial support orders are in place or where a party is seeking modification of an existing support order due to job loss or furlough, income change, or self-employment reduction of income due to COVID 19 will be heard as scheduled. For any support RFO that will be heard where supporting income and expense declarations were filed more than 90 days ago, parties are directed to file current income and expense declarations as far in advance of the scheduled hearing date as possible.

Beginning June 29, 2020, the clerk's office will begin setting hearing dates in new and previously submitted but not filed child and spousal support RFOs seeking initial orders or modifications of existing orders based on the criteria identified above. Based on the current status of calendars in the direct-calendar family law departments, initial hearing dates for new child and spousal support RFOs meeting the identified criteria will be heard beginning in August. Each direct-calendar family law department will be adding a third weekly session of RFO calendars. Departments 14 and 26 will hear their additional RFO session on Wednesday afternoons and

Department 15 will hear its additional RFO session on Monday afternoons. If the hearing date set results in the filed income and expense declaration being over 90 days old at the time of the scheduled hearing, the parties are directed to file current income and expense declarations prior to the scheduled hearing date.

Individual family law bench officers are working to identify child custody cases and emergency support RFOs currently scheduled between now and August 28, 2020 that will remain on calendar and may adjust scheduling of those matters if necessary. In the event of a schedule change, affected litigants and counsel will be notified as soon as practicable.

All other RFOs currently set between now and August 28, 2020 will be postponed and rescheduled for a later date.

Those direct calendar RFO matters that are heard will be heard remotely via Zoom. Zoom credentials for remote appearances may be visiting the court's website at https://www.sanmateocourt.org/general_info/request_credentials.php and filling out our online request form. Please have the following information ready when you visit our website, as you will need it for your request for credentials: the case number(s) on which you will be appearing, the party or parties requesting to appear remotely, the phone number and e-mail address of the party requesting to appear remotely, and the date and time of the hearing. Attorneys may share the credentials obtained for appearances with their clients. Please submit your requests as far in advance of the hearing as practicable, preferably at least one working day prior to the date and time of the hearing.

When appearing via Zoom, use of video appearance is strongly preferred. Please observe the following requirements to ensure the success of your remote appearance:

- 1) Follow the same courtroom etiquette requirements, including appropriate attire, that you would if appearing in person. Treat the Zoom waiting room the same as you would if physically waiting in a courtroom, understanding that the clerk or judicial officer might transfer you into the court session at any moment.
- 2) Mute your audio when you are not speaking.
- 3) Call from a quiet location with a minimum of background noise. Under no circumstances should you call from a moving vehicle, as background road noise will make it impossible for the court reporter to transcribe the proceedings. Make sure that you are conducting your remote appearance from a location where minor children whose custody or support are at issue cannot see or overhear the proceedings.
- 4) If appearing by audio only, state your name each time you speak so that the court reporter can identify who is speaking for the record.
- 5) Do not put the Zoom call on hold, as "hold music" is then played in the courtroom. If a participant puts the call on hold, they will be disconnected from the proceeding and will need to call back in to rejoin the proceeding.
- 6) Court interpreters will be appearing via Zoom. Where interpreters appear via Zoom, consecutive interpretation is used. Consecutive interpretation means that the interpreter will repeat what is said to the party requiring interpretation after the speaker finishes

speaking, rather than interpreting simultaneously. In order for consecutive interpretation to be effective, speakers MUST speak slowly and pause after a maximum of two sentences to allow the interpreter to translate for the party or witness.

In addition to the above requirements, observing the following guidelines will help ensure that your remote appearance runs smoothly:

- 1) Make your Zoom appearance on time at the start of the court session so that the courtroom clerk can check you in and notify the judicial officer which cases are ready to proceed based on all necessary parties being present.
- 2) If participating by Zoom video, make sure that your Zoom participant identifier shows your name, not your phone number or a nickname. This will save time at the start of the calendar as the clerk tries to identify who is present.
- 3) If you cannot appear by Zoom video and must use Zoom audio, please e-mail the department courtroom clerk in advance of the hearing to identify the phone number that you will be calling from so that the clerk can identify you.
- 4) If an attorney and party will be appearing together remotely from the same place, it is helpful to the clerk for the Zoom name identifier used for the hearing to show that both the attorney and client are appearing (example: "Jane Smith and client").

3. Status Conferences

All status conferences between now and August 28, 2020 will be postponed and rescheduled.

4. Mandatory Settlement Conferences

Currently scheduled Mandatory Settlement Conferences where the case is scheduled in a direct calendar family law department for trial or long-cause evidentiary hearing within 120 days of the scheduled MSC will be heard via Zoom. For those MSCs that will proceed, the clerk's office will send Zoom meeting invitations to counsel in advance of the MSC. MSCs will be conducted between counsel and the judicial officer only, but counsel should have their client available by telephone during the MSC. Any settlement reached will need to be reduced to writing by counsel, there will not be a court reporter available to put settlements on the record. All other Mandatory Settlement Conferences will be vacated and rescheduled by the direct-calendar department. MSCs in cases where there is no currently scheduled trial or long-cause evidentiary hearing within 120 days of the MSC will be postponed to a later date.

5. DVPA/TRO hearings

Please see the calendar memo issued by the Presiding Judge on July 13, 2020 for information regarding DVPA/TRO hearing procedure.

6. Family Law Support (DCSS) calendars

Please see the calendar memo issued by the Presiding Judge on July 13, 2020 for information regarding family law support (DCSS) calendars.

All parties and attorneys with matters scheduled whose cases will be impacted by the above calendar modifications are encouraged to confer telephonically or via e-mail to determine available dates for

rescheduling and to be proactive in contacting the assigned direct calendar department for rescheduling purposes. E-mails should be directed to the department-specific inbox rather than directed to individual clerk e-mail addresses because regularly assigned courtroom clerks may have been reassigned to other duties or may be unavailable. Counsel and parties who reach stipulations for continuances of calendared matters may e-mail those stipulations directly to the assigned judge with the advance consent of opposing counsel. Please limit any such e-mails to the transmittal of signed stipulations only to avoid impermissible ex parte contacts.

Other changes to Family Law related services during this time include the following:

- 1) The Family Law Facilitator's Office continues to offer all services via Live Chat. The physical offices in Redwood City and South San Francisco remain closed. Family Law Facilitator Live Chat hours are Monday through Thursday 8:30 AM to 12 PM and 1:00 to 4:00 PM, and Fridays 8:30 AM to 12:00 PM.
- 2) Family Court Services is providing services remotely. All parties with FCS appointments should expect to be contacted by FCS in advance of the appointment to arrange logistics for use of technology to conduct appointments remotely. Appointments that cannot be accomplished remotely will be rescheduled.
- 3) Family Court Services continues to offer confidential, non-recommending mediation for parties who have filed a custody-related RFO but not had a hearing date scheduled due to COVID-19. Mediation is confidential and voluntary, and will only be conducted if both parties agree. Mediation does not replace child custody recommending counseling. If the parties do not reach an agreement, they will still be required to participate in child custody recommending counseling. For parties who participate in confidential mediation and do not reach an agreement, they will be assigned a different child custody recommending counselor for CCRC. Their mediator will not share information with the later-assigned CCRC. For more details, please see Emergency Local Rule 5-100 (http://www.sanmateocourt.org/documents/local_rules/emergencylocalrules.pdf) and the Family Court Services section of the Court's website (https://www.sanmateocourt.org/documents/family_court_services/fcs_mediation.pdf)

We recognize the ongoing inconvenience to parties and attorneys that the above measures continue to cause, and are cognizant of the need for prompt resolution of family law matters for the stability of families and children. We are committed to restoring services as soon as it is possible to do so in a way that minimizes the ongoing risk to public health posed by the COVID-19 pandemic. Your patience during this time is appreciated. If further changes to the above procedures occur, updates will be provided through the San Mateo County Bar Association Family Law Section and on the San Mateo County Superior Court website (www.sanmateocourt.org) as soon as practicable. Please take care of yourselves and do your best to protect your health during these challenging times.

Sincerely,

Jonathan E. Karesh

Presiding Judge

Superior Court of California, County of San Mateo

Elizabeth M. Hill

Supervising Family Law Judge