

December 18, 2020

To all family law litigants and counsel:

In light of the recent surge in COVID-19 cases, 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 Tenth Court Emergency Response Calendar Memo Order viewable at [www.sanmateocourt.org](http://www.sanmateocourt.org), effective through January 8, 2021. 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 from December 16, 2020 until further modified by the Court.

**1. Trials – in progress and interrupted by COVID 19**

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 may be via Zoom or in person at the discretion of the assigned judicial officer. If the trial is conducted 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. Parties are encouraged to contact the direct calendar department via department e-mail to determine whether appearances are expected to be remote or in person.

**2. Trials of one day or less –** All existing court trials currently set for one day or less than one day will proceed as scheduled in Departments 14, 15, and 26. Court trials set for one day or less in Departments 14, 15, and 26 that were previously vacated or continued due to COVID and have not yet been rescheduled will also be set for status conference. Each department will use the status conferences to ascertain which matters still require a trial and to reschedule those matters requiring trial.

**3. Trials of more than one day –**All other court trials set for more than one full day of trial scheduled to occur in Departments 14, 25, and 26 on or before December 31, 2020 will be vacated and set for status conference. Court trials set for more than one full day in Departments 14, 15, and 26 that were previously vacated or continued due to COVID and have not yet been rescheduled will also be set for status conference. Each department will use the status conferences to ascertain which matters still require a trial and to determine the order of priority in which trials will be set when the court resumes hearing family law court trials of one day or more in length.

**4. RFO calendars**

Beginning on August 29, 2020, the clerk's office will begin setting hearing dates in all new and previously submitted but not filed RFOs, including those related to sanctions or OSCs in re contempt. Each direct-calendar family law department will continue to hear their previously added third weekly session of RFO calendars through at least December 31, 2020 to address the existing RFO backlog. If the hearing date set for an RFO requesting financial relief 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.

All previously ordered subject matter restrictions on the filing of RFOs and ex parte requests are now lifted.

Direct calendar RFO matters that are heard in Departments 14, 15, and 26 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](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.

For FAQs regarding use of Zoom in family law proceedings, please see the following information on the court's website:

[https://www.sanmateocourt.org/general\\_info/familylaw\\_remote\\_appearance.php](https://www.sanmateocourt.org/general_info/familylaw_remote_appearance.php)

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 may be 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").

#### **5. Status Conferences**

Only status conferences set by Departments 14, 15, and 26 under the provisions of this order will proceed. All other status conferences will be continued. Status conferences set under the provisions of this order will proceed via Zoom remote appearance.

#### **6. 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. 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. 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.

#### **7. DVPA/TRO hearings**

These hearings have been suspended from December 21, 2020 through January 8, 2021. Please see the Tenth Court Emergency Response Calendar Memo Order issued by the Presiding Judge and Assistant Presiding Judge on December 16, 2020 for details.

#### **8. Family Law Support (DCSS) calendars**

Please see the Tenth Court Emergency Response Calendar Memo Order issued by the Presiding Judge and Assistant Presiding Judge on December 16, 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. 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](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](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](http://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