

FILED *cc*
DORSEY

2020 APR -2 AM 11:22

FILE DEPENDENCY
COURT OF CALIFORNIA
OF SACRAMENTO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO
SITTING AS THE JUVENILE COURT**

**TEMPORARY EMERGENCY ORDER MODIFYING DEPENDENCY
STANDING ORDERS FOR COURT-ORDERED VISITATION DUE TO
COVID-19 PANDEMIC**

Due to the outbreak of the COVID-19 virus in the general public, which has been declared a national emergency by the President of the United States, and a state emergency by the Governor of the State of California, it is essential to slow virus transmission as much as possible. One proven way to deter the spread of the virus is to limit physical contact between people to the greatest extent possible. To that end, on March 19, 2020, California Governor Gavin Newsom issued an order directing all residents of the State to stay at home, except as required to maintain and continue operations of essential services to protect and ensure the health and safety of the public. On March 19, 2020, the County of Sacramento issued a similar order directing all persons living in the County to stay at home, with the exception of engaging in or receiving certain essential services and activities.

Welfare and Institutions Code Sections 361.1, 361.2, and 362.1 mandate that visitation between children in out-of-home care and their parents and legal guardians must be as frequent as possible, and that the court is to promote sibling relationships, consistent with the well-being of the child. Visitation is essential in efforts to accomplish the reunification of a family. The United

1 States Children's Bureau has issued a letter to all those involved in child welfare cases stating that
2 family time is important for child and parent well-being, and especially in times of crisis. They
3 are of the opinion that limiting any and all possible family time would be contrary to the well-
4 being and best interest of children; that it may contribute to additional child trauma, and may
5 impede the likelihood of reunification. This is especially true for younger children such as infants
6 and toddlers.

7 The Bureau has, therefore, strongly discouraged the issuance of blanket orders that
8 suspend family/visitation time. Instead they encourage a case by case determination concerning
9 the kind of child and parent contact that can be accomplished while balancing the current state of
10 emergency and the necessity to take drastic measures to stop the spread of the virus.

11
12 FOR GOOD CAUSE SHOWN, THE COURT HEREBY MODIFIES ITS STANDING ORDERS
13 REGARDING VISITATION AS FOLLOWS:

14 1. The Department of Child Family and Adult Services (DCFAS) shall ensure that
15 meaningful and frequent family time continues, consistent with the well-being of each child.

16 2. If DCFAS determines on a case by case basis that in-person visitation cannot be held
17 safely, DCFAS shall have the discretion to suspend Court-ordered in-person visitation between
18 children placed out of home and their parents, guardians, siblings, relatives or nonrelated
19 extended family members. DCFAS shall notify all parties within 5 court days of its decision to
20 suspend such visitation and provide an explanation if in-person visitation is suspended.

21 3. Where in-person family time has been suspended, DCFAS shall implement virtual
22 visitation via telephone, cellphone, computer, tablet, Facetime, Skype, or other similar technology
23 for non-physical contact so as to maintain communication between children and their parents,
24 guardians, siblings, relatives and nonrelated extended family members.

25 4. If any party disagrees with DCFAS' suspension of in person visitation or implementation
26 of virtual visitation, after making reasonable efforts to meet and confer with all counsel through
27 electronic means, they may bring an ex parte request with notice to all parties so that the matter
28 can be decided by the Court without undue delay. Such request shall be made no later than 14

1 days after having received notice from DCFAS of the suspension of in-person visitation. The
2 burden of proof shall be on the requesting party to prove that suspension is not necessary.

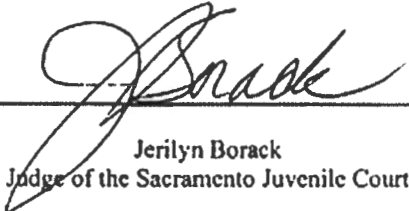
3 5. DCFAS shall allow for increased frequency of video conferencing, phone calls and other
4 readily available forms of communication via technology to keep children, parents, and siblings
5 connected. DCFAS should consider the use of family members, nonrelated extended family
6 members and resource parents, when possible, to supervise virtual or other methods of visitation.
7 DCFAS shall work with all parties to ensure visit participants have access to necessary
8 technology to accomplish virtual contact.

9 6. On a case by case basis, DCFAS should consider whether children may safely be placed
10 on an extended visit with a parent, legal guardian, relative or nonrelated extended family member.
11 If all parties agree, a written stipulation and REQUEST FOR COURT ORDER shall be presented
12 to the Juvenile Court. Any visit for more than 10 successive days shall be considered an extended
13 visit and shall require a court order to continue beyond that time frame. In the event of lack of
14 agreement, the matter may be brought before the court at the earliest possible time by means of an
15 ex parte request with notice to all so that the matter can be decided without delay.

16
17 **THIS ORDER SHALL REMAIN IN EFFECT UNTIL MODIFIED OR VACATED BY**
18 **FURTHER ORDER OF THIS COURT.**

19
20 DATED: April 2, 2020




Jerilyn Borack
Judge of the Sacramento Juvenile Court