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LESLEY B. GOMES, DEPUTY
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**MEMORANDUM
CONFIDENTIAL JUVENILE MATTER**

TO: Amador Superior Court
Clerk of the Court
FROM: Lesley Gomes, Deputy County Counsel
DATE: March 26, 2020
RE: Proposed Temporary Order for all open DP Cases

This Proposed Temporary Order is being provided in response to a suggestion by Hon. Renee C. Day that our court address visitation orders in our juvenile dependency cases that are being affected by COVID-19. This order follows an example by Santa Clara County, with terms specific to our local circumstances and adjustments that our social workers are being required to make. I circulated this order to our panel of dependency attorneys at 6:00 p.m. on March 25, 2020 inviting suggestions and input. I can make an electronic copy of this proposed order available if needed. Please feel free to contact me directly with any questions at the number below.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lesley B. Gomes".

Lesley Gomes
Deputy County Counsel

MAR 26 2020

CLERK OF THE SUPERIOR COURT
BY H. Gardella

20-003

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7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF AMADOR

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10 ~~PROPOSED~~ TEMPORARY ORDER MODIFYING DEPENDENCY COURT-
ORDERED VISITATION IN RESPONSE TO COVID-19

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12 On March 4, 2020 Governor Newsom declared a State of Emergency in California as a
13 result of the threat of COVID-19. On March 13, President Trump Declared a National
14 Emergency as result of the threat of COVID-19. On March 19, 2020, Governor Newsom issued
15 Executive Order N-33-20 limiting all non-essential activities and movement to prevent the
16 spread of COVID-19 in California. On March 20, 2020 the Amador County Public Health
17 Officer issued an order consistent with the Governor's order directing all Amador County
18 residents to remain at home. Other counties housing Amador County dependents have issued
19 similar orders, including but not limited to, Sacramento County, San Joaquin County, El Dorado
20 County, and Calaveras County. As of March 25, 2020, the California Department of Public
21 Health reported 2,535 positive cases and 53 deaths in California. This represents a *change of*
22 *circumstances* from the time the court made the existing visitation orders in each case and the
23 court finds it is in the *best interest of all minors* to modify these orders in a manner that balances
24 the need for the protection of public health and safety with the need to preserve and promote
25 family relationships.

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[PROPOSED] TEMPORARY ORDER MODIFYING COURT-ORDERED VISITATION

1 Accordingly, FOR GOOD CAUSE SHOWN, the COURT ORDERS AS FOLLOWS:

- 2 1. **In-Person Visits Suspended.** Effective March 13, all in-person visitation is
3 suspended for the duration of any state-wide order, or any orders issued by
4 counties where dependents reside, restricting non-essential activities and
5 movement in connection with COVID-19.
- 6 2. **Alternative Forms of Visitation.** The Department shall utilize best efforts to
7 replace in-person visitation with telephone or video communication when
8 available, including but not limited to Skype, Facetime, or any other method
9 approved by the social worker. If a parent or caregiver is unable to participate
10 due to a lack of necessary equipment, the Department shall make reasonable
11 efforts to find a solution that will allow for some form of contact. It is
12 understood that in some cases, visitation will not be able to occur. If a child is
13 unable or unwilling to participate in a scheduled contact by phone or video,
14 that visitation will not occur.
- 15 3. **No Mandatory “make-up” Visits During Time This Order is in Effect.**
16 During the time period in which this order is in effect (as a result of COVID-
17 19), “make-up” visitations shall not be required for calls or video chats that
18 cannot occur for reasons noted in paragraph 2 above.
- 19 4. **Supervised and Monitored Contact as Approved by Department.** If an
20 existing order provides for supervised or monitored contact, telephone or
21 video communication shall be monitored in a manner approved by the
22 Department.

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- 1 5. **Frequency and Duration.** Contact shall be made as frequently as the
2 existing visitation order when possible. The duration of each contact shall be
3 in the discretion of the Department consistent with the age and unique needs
4 of the child, with the guidance that a minimum time of 15 minutes per call is
5 reasonable and more time should be allowed when beneficial to the child.
6
7 6. **Blanket Liberalization Ability.** In all cases, the Department has discretion
8 to liberalize the duration or frequency of telephone and video communication.
9
10 7. **Discretion for Text Messaging.** Where available, the Department has the
11 discretion to authorize contact through text-messaging and social media for
12 age-appropriate children and their parents, relatives and siblings consistent
13 with the needs of each dependent child.
14
15 8. **No Further Order Needed to Resume Visitation.** Current visitation orders
16 shall resume for each case as soon as applicable county AND state authorities
17 lift restrictions AND visitation is able to be conducted consistent with current
18 Federal Center for Disease Control recommendations for preventing the
19 spread of COVID-19. No further order from this court is necessary to resume
20 visitation as previously ordered.
21
22 9. **Discretion for Extended and Overnight Visitation.** Notwithstanding the
23 suspension of in-person visitation, the Department has the discretion to assess
24 whether existing overnight visitation may be continued in the best interest of
25 the family, on a case-by-case basis. This visitation is subject to limitations
26 imposed by outside agencies and caregivers as a result of COVID-19, and is
27 not mandatory. In addition, if recommended by the Department, no order is
28 required from this court to authorize new overnight visitation or an extended

1 visit during the applicable time period of this order if no parties to the
2 visitation are experiencing known symptoms of COVID-19 or are otherwise
3 subject to voluntary quarantine. As with existing orders, any newly
4 recommended visitation is subject to limitations imposed by outside agencies
5 and caregivers as a result of COVID-19 and may not be able to occur as
6 recommended. This paragraph is intended to minimize disruptions to children
7 who would otherwise be in the process of transitioning home during the time
8 this order is in place or who would likely have a recommendation for return at
9 the next scheduled hearing.
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12 Respectfully Submitted,

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14 Dated: March 26, 2020

GREGORY G. GILLOTT, County Counsel

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16 By: 

LESLEY B. GOMES

Deputy County Counsel

Attorneys for Amador Co. Dept. of Social Services
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20 IT IS SO ORDERED.

21 Dated:

22 3-26-20


23 JUDGE OF THE SUPERIOR COURT
24 Residing Judge
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