

## **Family Law Motions and Trials starting June 1**

We hope this communication finds you and your family in good health.

As we reported in prior communications, over the last two months since Covid-19 became our new reality, the court professionals here at Family and Juvenile Court have been working hard to address court business while at the same time protecting public health.

Between March 23 and May 15, we operated the court with reduced staff at the building and on reduced hours in order to ensure compliance with the Governor's Stay Home Order and protect the health of all court users and staff. During this time, our operations were initially focused only on the most urgent matters. We then developed new systems that enabled the court to address less urgent matters without any hearings. We are pleased that the use of the family law agreed orders process has steadily increased. We also began using new technologies, including Skype and ZOOM, to conduct our hearings, while keeping participants safely at home. We are pleased to continue relying on these systems, conference phone bridge lines, and other technology in the next phase.

Starting May 18, we are running full-days of court calendars at FJC. During the last two weeks of May, our calendars will continue to focus on the most urgent matters and agreed family law matters. In addition, we are also conducting follow-up hearings related to protection orders, family law restraining orders, and dependency matters.

Starting June 1, FJC will continue to run full day calendars. We will begin hearing family law motions calendars (both attorney and self-represented, as well as non-parental custody and state family law) and family law trials. As reported in prior communications, in order to protect public health and support compliance with public health directives, most of our calendars will be set up to rely on participation by video or phone. We will decide, on a case by case basis, whether trials will be by ZOOM or in person. For calendars scheduled to be heard by video or phone, we expect all court users who have the ability to participate remotely to do so. Although the courthouse is open, the remote hearing procedures are in place to protect all of us – the fewer people that come to the courthouse, the less opportunity for virus transmission here.

Thank you for complying with our expectations of remote participation, and thank you for helping others (such as your clients and colleagues) to do the same. We will rely on the ZOOM platform for many proceedings. If you've not used this platform before, please set it up and try it out in advance. We are confident you will find it easy to use.

As to specific family law motions, the court has opened sessions (starting the week of June 1) for the following hearing types: family law motions (attorneys), family law motions (SRPs), non-parental custody motions, state family law, and judge's motions, relocations, and revision calendars. For motions cancelled by the court between March 23 and May 29, the court is re-setting motions that were previously set by court order or that were set by self-represented parties. The court requests that lawyers re-note their motions. We are hopeful that we will be able to address the backlog of cancelled motions during the June 1-July 10, 2020 period. To support this goal, we ask that you not schedule what we consider low-priority motions during

this time. This includes motions to enforce, motions for contempt, motions to set aside defaults, and discovery motions. Thank you for honoring this request. (Agreed motions on these topics may be scheduled on the family law agreed orders calendar.)

For all family law motions, the judicial officer may decide certain motions on pleadings. Please comply with our local rules and ensure all material needed for a court decision is included in the motion, response, reply briefs, and supporting materials timely filed and served. Parties will be advised the day before the scheduled hearing if the judicial officer will decide the motion without a hearing.

You will note that our June calendar schedule does not include sessions for final orders. We expect agreed final orders (whether or not parties are represented by counsel) to be noted on the family law agreed orders calendar. All parties may use the verification document to show the court their case is ready to be finalized. Addressing these matters without a scheduled hearing is an additional way we will ensure compliance with public health directives, including social distancing.

The family law agreed orders calendar (no hearing) should continue to be used for all types of family law agreed motions/agreed orders. We have increased the CAP on this calendar to ensure sufficient capacity.

As to family law trials, the court will hear high priority trials in June. High priority includes dependency and juvenile offender trials which are subject to statutory, constitutional and other deadlines. Depending on the capacity of the court, this may also include family law trials with urgent issues, such as relocation trials and trials presenting immediate health and safety issues. The court is not, at this time, cancelling any family law trials set for June 1 or later. Instead, if your trial is set for June 1 or later, please participate (by phone) in the trial confirmation hearing (scheduled 11 days before your trial week). The court will assess weekly trial demands and capacity based on information received during trial confirmation. After the trial confirmation hearing, the court will promptly advise if your trial will be continued. If you want more certainty sooner, the court will address agreed motions for trial continuances on the family law agreed orders calendar.

For family law trials cancelled between March 16 and May 29, the court will re-set these trials after parties submit new trial availability information and schedule trial setting on the June 15, 2020 administrative trial setting calendar. Please file and serve your trial setting notice before June 15, 2020 and address unavailability from July 2020 through January 2021.

We want you to know we miss seeing you all in person. We appreciate your patience during this next phase and we thank you in advance for supporting us by participating in hearings through remote means (video and phone). Together, we will be successful in expanding the court's work and protecting the health of court users and court staff.

*Judge Wilson and Judge Hirsch*