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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF KERN
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11 **IN RE: RETURN TO PRE-PANDEMIC**
12 **SERVICE LEVELS FOR PUBLIC**
13 **ACCESS AND CHANGES TO FACE**
14 **COVERINGS REQUIREMENT**

MISCELLANEOUS NO.: STO-22-0007

15 THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:

16 As a result of the COVID-19 pandemic, the Governor of California declared a
17 state of emergency in California on March 4, 2020. The health and safety concerns
18 associated with the pandemic, along with the State of California and local public health
19 orders issued in response, caused substantial operational changes for the court since
20 March 17, 2020. The Court's most recent order, effective February 18, 2022, lifted
21 prior restrictions to in-person access to court proceedings in all Kern County Superior
22 Courthouses. After over two years, the Court can now restore in-person access to its
23 public service windows and other in-person court services to pre-pandemic levels,
24 while offering new pre-scheduled appointment and remote appearance options in
25 some cases. The Court will continue to observe heightened sanitation and other

1 COVID-19 safety protocols, including hand sanitizer stations and increased cleaning
2 of all high-touch areas in the courthouses, including door handles and elevator
3 buttons.

4 The Court's order is based upon the recent actions by the California
5 Department of Public Health (CDPH) and the Kern County Public Health Services
6 Department, the court's inherent supervisory and administrative authority, and the
7 Presiding Judge's duty to promote access to justice for all members of the public,
8 which must consider the needs of the public, and the court, as they relate to the
9 efficient and effective management of the court, (California Rule of Court, rule 10.603).

10 Specifically, the Court finds the following:

- 11 1) on February 28, 2022, the CDPH repealed its indoor statewide face covering
12 mandate and replaced it with guidance which strongly recommends, but no
13 longer requires, that everyone wear face coverings in indoor public settings,
14 regardless of vaccination status;
- 15 2) on February 28, 2022 Governor Newsom signed [Executive Order N-5-22](#),
16 which among other actions, suspends the Division of Occupational Safety and
17 Health's (Cal/OSHA) regulations regarding face covering requirements for
18 employees;
- 19 3) on March 3, 2022, Tani G. Cantil-Sakauye, Chief Justice of California and Chair
20 of the Judicial Council, issued a statewide order in which four emergency
21 measures were rescinded effective April 30, 2022. The four emergency
22 measures were originally issued on March 23 and March 30, 2020, and
23 authorized extensions of time for arraignments, criminal trials, and civil trials;
- 24 4) on March 11, 2022, the Judicial Council of California amended emergency rules
25 3, 5, 6, 7, 8, 9, 10, and 13 to sunset the rules on June 30, 2022, noting that the

1 rules were intended to be temporary to address the emergency presented by
2 the initial impact of the COVID-19 pandemic and that its action was in
3 alignment with Governor Newsom's announced plan to move to a new endemic
4 phase and the imminent transition to a new approach to COVID-19;

5) the Centers for Disease Control and Prevention (CDC) offers a new tool,
6 [COVID-19 Community Levels](#), that provides individuals with information to help
7 them decide the COVID-19 prevention steps that should be taken based on the
8 COVID-19 Community Level for an area (i.e., Low, Medium or High). In Kern
9 County, the current community level is Medium, which is subject to change
10 based on local COVID-19 conditions. For more information, visit the CDC
11 website at <https://www.cdc.gov/>;

12 6) as of March 1, 2022, Kern County Public Health Services Department's [data](#)
13 shows declining infection rates throughout Kern County and a fully vaccinated
14 rate of 55.3% for Kern County's eligible population; and

15 7) court staff shortages created by the Omicron variant have abated and the court
16 has seen a reduction in employee illnesses.

17 **A. Accordingly, THE COURT HEREBY FINDS AND ORDERS AS**
18 **FOLLOWS:Face Coverings**

19 1) While the court recommends that judges, employees, jurors, vendors,
20 contractors, and members of the public wear face coverings when inside
21 court facilities, the court's Standing Order re: Changes to Facial Coverings
22 Requirements During the COVID-19 Pandemic is rescinded as of April 4,
23 2022.

24 2) As a result, unless otherwise required under the circumstances set forth
25 below, facial coverings are no longer required in any court location.

- 1 3) No individual will be discouraged from wearing a facial covering if they
2 desire to do so.
- 3 4) Individuals may be required to wear facial coverings, in certain situations or
4 locations pursuant to Cal/OSHA Emergency Temporary Standards
5 including, but not limited to, individuals who qualify for shortened isolation or
6 quarantine periods or individuals who have received a notice of multiple
7 COVID-19-positive results in a work area. In addition, the court will continue
8 to follow applicable guidance from county, state, and federal public health
9 authorities, including, but not limited to, prohibiting individuals from entering
10 if they are subject to an isolation or quarantine order or are experiencing
11 symptoms of COVID-19.
- 12 5) All persons, including court staff and judicial officers, are required to self-
13 evaluate for symptoms and may not enter a courthouse if they are
14 subject to an isolation or quarantine order or exhibiting COVID-19
15 symptoms as described by the CDC, available [here](#), which currently
16 include, but are not limited to, fever or chills, cough, shortness of
17 breath or difficulty breathing, fatigue, muscle or body aches, headache,
18 new loss of taste or smell, sore throat, congestion or runny nose,
19 nausea or vomiting, or diarrhea. In addition, individuals who have tested
20 positive for COVID-19, or have been recently exposed to someone with
21 COVID-19 in the last 10 days, may not enter a courthouse.

22 **B. Clerk's Offices and Public Windows**

23 Effective April 4, 2022, the Court's public windows and other in-person services are
24 available without restriction. Walk-ins are welcome but appointments are strongly
25 encouraged for the Metropolitan Division Clerk's offices, including Family Law, the

1 Office of the Family Law Facilitator, the Self-Help Center, the Landlord Tenant
2 Assistance Center and the Kern County Law Library. Making an appointment will
3 ensure that the public obtains assistance in an expedited and efficient manner.
4 Information on how to schedule an appointment is available on the Court's website.

5 **C. Remote Appearances**

6 Each department will determine those calendars or matters in which hearings may be
7 held by remote appearances based upon emergency orders, rules, and statutes
8 including Code of Civil Procedure § 367.75, California Rules of Court, rule 3.672, and
9 Local Rules 1.1.1, 3.2.1, 6.3.5, and 8.2.1.

10 **D. Audio Livestreaming**

- 11 1) All non-confidential court proceedings have been open to the public and fully
12 accessible to the participants and the public since February 18, 2022, when the
13 Court's Standing Order *In re: Changes to Court Processes and Procedures*
14 *During COVID-19 Pandemic (Second Amendment)*, No. STO-22-0004, became
15 effective.
- 16 2) The Court originally implemented audio livestreaming as an emergency and
17 temporary measure to provide the public with remote access to non-confidential
18 proceedings during the pendency of the COVID-19 pandemic, when in-person
19 access to court facilities and proceedings was restricted due to social distancing
20 and other public health measures. Court facilities are now open to the public at
21 pre-pandemic levels, and in-person access is no longer restricted. As a result,
22 Court proceedings may take place in person, without restriction, and
23 livestreaming access is no longer required. Conducting proceedings in person
24 and without livestreaming helps (1) ensure that witnesses feel free to testify
25 uninhibited and without interruption; (2) maintain the security of court

1 proceedings against unauthorized recordings and leaks; and (3) ensure the
2 dignity and decorum of the courtroom setting.

3 3) For all of these reasons, and in order to preserve and efficiently manage the
4 Court's limited financial resources, and after considering the factors and
5 prohibitions articulated in California Rules of Court, rule 1.150, non-confidential
6 court proceedings will no longer be livestreamed automatically. If, despite the
7 fully accessible nature of the courthouses, a member of the public has a need to
8 access the proceedings remotely via audio livestreaming or video, the individual
9 may submit mandatory [Local Form KRN SUP CRT MI-0315](#) (Request and Order
10 for Audio Stream or Video Remote Access/Non-Party) no less than five (5) court
11 days prior to the date of the scheduled matter. Forms filed outside the five (5)
12 court day window will be considered if good cause for the delay in submission of
13 the form is shown.

14 4) A judicial officer will issue an order on the request for audio livestreaming
15 and/or video remote access. If the request is granted, the audio livestream for
16 the particular courtroom will be available on the court's website under "Remote
17 Court Hearings," under the courtroom (Department or Division) for which
18 access was granted.

19 5) Even after a court order is issued, each judge retains the discretion and authority
20 to refuse, limit or terminate audio live streaming, for portions of proceedings,
21 pursuant to the factors and prohibitions articulated in California Rules of Court,
22 rule 1.150 and in consideration of other statutory and constitutional provisions.

23 6) The livestreamed court proceedings may not be photographed, recorded
24 (audio or video), or re-broadcast by anyone without prior written judicial
25 authorization consistent with California Rules of Court, rule 1.150, and Kern


1 County Superior Court Standing Order 19-0005.

2 7) This order does not restrict or otherwise abrogate the express and inherent
3 authority of the court and its judges to provide for the orderly conduct of
4 proceedings.

5 This order supersedes the Court's prior standing orders, (1) *Changes to Court*
6 *Processes and Procedures During COVID-19 Pandemic (Second Amendment)*, Misc.
7 No. STO-22-0004, issued on February 16, 2022, (2) *Changes to Facial Coverings*
8 *Requirements During the COVID-19 Pandemic*, Misc. No. STO-22-0005, issued on
9 February 17, 2022. (3) *Remote Hearings for Civil Cases (Amended June 28, 2021)*
10 and (4) *Remote Hearings for Family Law (Non-DCSS) and Probate Proceedings*
11 *(Amended June 28, 2021)*.

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13 THIS ORDER IS EFFECTIVE APRIL 4, 2022, AND MAY BE AMENDED AS
14 CIRCUMSTANCES REQUIRE.

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16 Dated: March 17, 2022.

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20 Colette Humphrey, Presiding Judge
21 Kern County Superior Court
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