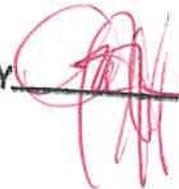


FILED
KERN COUNTY
SUPERIOR COURT

SEP 29 2020

BY:  DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

**IN RE: ACCESS TO COURT
PROCEEDINGS DURING THE COVID-
19 PANDEMIC AND AVAILABILITY
OF AUDIO LIVE STREAMING**

MISCELLANEOUS NO.: STO-20-0015

THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:

Since March 4, 2020, the State of California has been in a State of Emergency as a result of the threat of COVID-19. On March 19, 2020, the Governor of California issued an order directing all Californians to shelter in place at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors to protect public health and ensure the healthcare delivery system is capable of serving all and prioritizing those at the highest risk and vulnerability. The Order is in place until further notice. See <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf>

The federal Constitution generally precludes closure of substantive courtroom

1 proceedings in criminal cases and California's Code of Civil Procedure § 124 generally
2 precludes closure of substantive courtroom proceedings in civil proceedings. The
3 current COVID-19 crisis resulting in shelter in place orders clearly demonstrates an
4 overriding interest, however, in limiting in-person access to court proceedings in some
5 instances where necessary to comply with public health physical distancing
6 requirements. The Court must employ all necessary emergency protective measures
7 to prevent, mitigate, respond to and recover from the COVID-19 pandemic and Court
8 functions must be performed in compliance with public health physical distancing
9 requirements to the greatest extent feasible. The physical distancing requirements
10 include maintaining at least six (6) feet of physical distance and wearing facial
11 coverings. Facial coverings are required for entrance to a courthouse pursuant to the
12 Court's Emergency Local Rule No. 2, issued on May 19, 2020, as well as Governor
13 Newsom's statewide order issued on June 18, 2020, in conjunction with guidelines
14 issued by the California Department of Public Health.

15 Public health and safety would be prejudiced absent such precautions, which
16 are narrowly tailored to permit the court to perform its essential functions, consistent
17 with the qualified right of access to judicial proceedings. There are no less restrictive
18 means of achieving this overriding public health interest. (*NBC Subsidiary (KNBC-TV),*
19 *Inc. v. Superior Court* (1999) 20 Cal.4th 1178, 1181–1182.)

20 Several of the Kern County Superior Courthouses present unique challenges
21 with respect to compliance with public health physical distancing requirements and the
22 ability of the Court to monitor conditions and the number of visitors, so the ability of the
23 public to attend court proceedings is dependent upon the courthouse for which entry is
24 desired. The requirements for the various courthouses have been set as follows:

25 \\\

1 **A. Metro Division (1415 Truxtun Avenue Building), Metro Traffic Division**
2 **(3131 Arrow Street) and Multi-Divisional Courthouses (Delano, Lamont,**
3 **Mojave, Ridgecrest and Shafter; excluding Taft)**

4 The public will be admitted to observe non-confidential proceedings in all
5 courtrooms in these courthouses, subject to public health physical distancing
6 requirements and other health and safety guidelines and standards. Judicial officers
7 presiding over courtroom proceedings may limit, or impose other reasonable
8 restrictions upon, public access to their courtrooms and adjacent hallways after
9 making findings on a case-by-case or calendar basis that the physical distancing
10 requirements of maintaining at least six (6) feet between all participants and attendees
11 cannot be preserved within the courtroom and surrounding hallways.

12 Inasmuch as not all members of the public may be able to attend proceedings in
13 courtrooms subject to this order, and to encourage members of the public to shelter in
14 place away from public spaces like courthouses, as contemplated by the Governor's
15 March 19, 2020 Order, all non-confidential proceedings will be made available via audio
16 live streaming. Consult the Court's website for live streaming links to the various
17 courtrooms.

18 **B. Metro Justice Building (1215 Truxtun Avenue Building)**

19 The Metro Justice Building (1215 Truxtun Avenue Building) has smaller
20 courtrooms, extremely limited lobby space,¹ narrow hallways, and an exceedingly
21 large number of visitors on a daily basis. As a result, it is not possible or practicable
22 for judicial officers to constantly monitor crowd size and enforce physical distancing in
23 this facility. Due to public health physical distancing requirements, a limited number of
24

25 ¹ The lobby space on the first floor is approximately 600 square feet, on the second floor the lobby and hallway space measures about 1,845 square feet and on the third floor the hallway space measures approximately 483 square feet.

1 people are allowed into each courtroom at a time, and most people have to wait in the
2 lobby or hallway for their cases to be called. To ensure the health and welfare of court
3 users and employees who must pass through the lobby and hallways, the number of
4 people permitted in this facility must be responsibly controlled. Therefore, in-person
5 access will only be permitted for: parties, attorneys, legal staff members, an objecting
6 party or relative of a minor, conservatee or decedent in a probate case, summoned
7 jurors, subpoenaed witnesses, employees and other courthouse occupants, law
8 enforcement, individuals seeking assistance from the District Attorney's Office, one (1)
9 support person pursuant to Family Code § 6303, approved vendors, contractors and
10 deliveries, media, and individuals who have been permitted by Court order.

11 To ensure that members of the public may still observe proceedings in this
12 facility, and to encourage members of the public to shelter in place away from public
13 spaces like courthouses, as contemplated by the Governor's March 12, 2020 Order, all
14 non-confidential proceedings in this facility will be made available via audio live
15 streaming. Consult the Court's website for live streaming links to the various
16 courtrooms.

17 **C. Juvenile Justice Center (2100 College Avenue)**

18 The Juvenile Justice Center has four (4) courtrooms. Juvenile Courts conduct
19 proceedings involving children and youth under the age of 18 and nonminor
20 dependents 18 to 21 years of age. To promote juvenile rehabilitation, and to protect
21 the privacy of children who are or may become dependents of the court, most Juvenile
22 Court proceedings are not open to the public by statute. In addition, due to the size of
23 the lobby and the physical layout of the public areas,² which make it difficult to monitor
24 and enforce physical distancing, in-person access will only be permitted for: the child

25 _____
² The lobby/hallway space on the first floor is approximately 1,896 square feet and on the second floor the
lobby/hallway space measures about 963 square feet.

1 or non-minor dependent, parents and de facto parents, legal guardian(s) or adult
2 relatives if a parent/guardian is unavailable, Indian Custodian or tribe of an Indian
3 child, attorneys, legal staff members, parties in family law cases, subpoenaed
4 witnesses (with two (2) family members for support in juvenile cases), victim with two
5 (2) support persons pursuant to Welfare & Institutions Code § 675.5, social workers,
6 CASA volunteers, law enforcement, employees and other courthouse occupants,
7 individuals seeking assistance from agencies located in the courthouse, approved
8 vendors, contractors and deliveries, media, and individuals who have been permitted
9 by Court order.

10 In addition, all non-confidential proceedings will also be available via audio live
11 streaming. Consult the Court's website for live streaming links to the various
12 courtrooms.

13 **D. Taft Multi-Divisional Courthouse**

14 The public will be admitted to observe non-confidential court proceedings in the
15 Taft Multi-Regional Courthouse subject to public health physical distancing
16 requirements and other health and safety guidelines and standards. Judicial officers
17 presiding over courtroom proceedings may limit, or impose other reasonable
18 restrictions upon, public access to their courtrooms and adjacent hallways after
19 making findings on a case-by-case basis that the physical distancing requirements of
20 maintaining at least six (6) feet between all participants and attendees cannot be
21 preserved within the courtroom and surrounding hallways.

22 **E. Availability of Court Calendars**

23 All of the Court's criminal calendars may be viewed at:

24 [https://itsapps.kerncounty.com/iframe/nonCMS/crimindex/crim_index_case_info_cal.](https://itsapps.kerncounty.com/iframe/nonCMS/crimindex/crim_index_case_info_cal)

25 [asp](#). All of the Court's civil calendars may be viewed at:

1 <https://odyprodportal.kern.courts.ca.gov/portalprod>

2 Electronic daily calendar monitors are also available in the lobbies of the Metro
3 Division and Metro Justice Building for all their courtrooms. Each courtroom in these
4 two buildings also have their own electronic daily calendar monitor located adjacent to
5 the courtroom. With the exception of Metro Traffic Division, Juvenile Justice Center
6 and Taft Multi-Divisional Courthouse, all other courthouses also have electronic daily
7 calendar monitors in their lobbies.

8 **F. Audio Live Streaming**

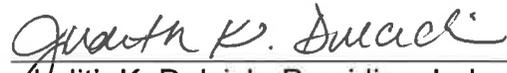
9 Audio live streaming may not be recorded, broadcast or re-broadcast by
10 anyone without prior written judicial authorization consistent with California Rules of
11 Court, rule 1.150, and Kern County Superior Court Standing Order 19-0005.

12 Each judge retains the discretion and authority to refuse, limit or terminate
13 audio live streaming, for portions of proceedings, pursuant to the factors and
14 prohibitions articulated in California Rules of Court, rule 1.150 and in consideration of
15 other statutory and constitutional provisions.

16 This order supersedes the Court's prior standing order, *Access to Courthouse*
17 *During the COVID-19 Pandemic*, Misc. No. STO-20-0011, issued on July 13, 2020.

18 THIS ORDER IS EFFECTIVE OCTOBER 1, 2020 AND MAY BE AMENDED
19 AS CIRCUMSTANCES REQUIRE.

20
21 Dated: September 29, 2020.

22 
23 Judith K. Dulcich, Presiding Judge
24 Kern County Superior Court
25