

APR 16 2020

PAULETTE J. TESKE, Clerk
BY _____

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF ADAMS

IN THE MATTER OF:)
)
) AMENDED
THE RESPONSE BY ADAMS COUNTY) EMERGENCY ADMINISTRATIVE
SUPERIOR COURT TO THE PUBLIC) ORDER
HEALTH EMERGENCY IN)
WASHINGTON STATE) NO. 2020-1 (A)

This matter comes before the Court on the public health emergency in Washington State.

1. On February 29, 2020, the Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the coronavirus disease 2019 (COVID-19).
2. On March 4, 2020, Washington Supreme Court Chief Justice Debra Stephens entered an Emergency Order that states, in part, as follows:

WHEREAS, during this state of emergency, it may become necessary for courts in these counties to close, relocate, or otherwise significantly modify their regular operations; and

WHEREAS, presiding judges in these counties need sufficient authority to effectively administer their courts in response to this state of emergency, including authority to adopt, modify, and suspend court rules and orders as warranted to address the emergency conditions.

NOW, THEREFORE, pursuant to the Courts authority to administer justice and to ensure the safety of court personnel, litigants, and the public,

IT IS HEREBY ORDERED THAT:

- The Presiding Judges of the Washington courts are authorized to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations as warranted to address the current public health emergency;
- Each court shall immediately transmit copies of emergency local rules adopted or modified to address the public health emergency to the Administrative Office of the Courts in lieu of the requirements of general Rule 7;

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- Each court that closes pursuant to this Order or General Rule 21 shall sign an administrative order closing the court, file the original with the clerk of the affected court, and notify the Administrative Office of the Courts as soon as practicable.
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- 5 3. WHEREAS, on March 3, 2020, the President of the United States declared a National Emergency in response to COVID-19; and
- 6 4. WHEREAS, on March 13, 2020 Washington State Governor Jay Inslee signed a Proclamation closing all public and private schools within the State for a period of six weeks; and further banning all events and gatherings of 250 persons or more within the State; and
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- 8 5. WHEREAS, on March 16, 2020, Washington State Governor Inslee delivered yet Another Declaration of Emergency; limiting all gatherings to 50 or less; and temporarily shutting down restaurants, bars, entertainment and recreational facilities.
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- 10 6. The Center for Disease Control has recommended that people at higher risk of severe illness should stay home and away from large groups of people as much as possible, including public places with lots of people and large gatherings where there will be close contact with others. This includes concert venues, conventions, sporting events, and crowded social gatherings. These health officials identify people at high risk as including people:
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- Over 60 years of age
 - With underlying health conditions including heart disease, lung disease or diabetes
 - With weakened immune systems
 - Who are pregnant
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- 20 7. WHEREAS Jury Service in Adams County Superior Court necessarily involves congregating in relatively close proximity groups of persons who come to court in response to a summons, and/or in order to observe court proceedings.
- 21 8. WHEREAS regular Court hearings in the Adams County Superior Court necessarily involves congregation in relatively close proximity groups pf persons who come to court in response to a summons, and/or in order to observe court proceedings;
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- 23 9. WHEREAS, on March 18, 2020 the Washington State Supreme Court issued order No. 25700-B-606;
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- 25 10. WHEREAS, on April 13, 2020, the Washington State Supreme Court issued order No. 25700-B-615;
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- 27 11. Therefore, under the authority of Chief Justice Stephens' Orders and the authority as a presiding Judge for Adams County IT IS HEREBY ORDERED:
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- 1) This rule amends, replaces and supersedes, this Court's Emergency Administrative Order No. 2020-1.
- 2) Effective immediately, the Court is continuing all civil and criminal jury trials until after May 4, 2020.
- 3) All civil and criminal jury trials set between April 16, 2020 and May 4, 2020 are stricken.
- 4) For those criminal matters in pre-trial status, May 4, 2020 will be the new commencement date pursuant to CrRJ 3.3.
- 5) All non-emergency civil matters shall be continued until after May 4, 2020. The moving party shall renote said non-emergency matters accordingly.
- 6) All emergency matters that must be heard before May 4, 2020, must be heard by telephone, video, or other means that does not require in-person attendance, unless impossible. Where court matters must be heard in person, social distancing and other public health measures must be strictly observed. Telephonic, video or other hearings required to be public must be recorded, with the recording preserved for the record.
- 7) All **out of custody** criminal matters already pending shall be continued until after May 4, 2020. Arraignment on **out of custody** cases filed between today's date and May 4, 2020 or the first appearance in court after that date shall be deferred until a date 45 days after the filing of charges. Good cause exists under CrR 4.1, CrRLJ 4.1 and JuCR 7.6 to extend the arraignment dates. The new arraignment date shall be considered the "initial commencement date" for purposes of establishing the time for trial under CrR 3.3(c)(1), CrRLJ 3.3(c)(1) and JuCR 7.8(c)(1).
- 8) The Court will enter ex parte no contact orders pursuant to RCW 10.99.040, RCW 10.99.045, RCW 10.14.040, RCW 7.90.150, RCW 9A.46.085, and/or RCW 9A.46.040, when an information, citation, or complaint is filed with the court and the court finds that probable cause is present for a sex offense, domestic violence offense, stalking offense or harassment offense. Ex parte orders may be served upon the defendant by mail. This provision does not relieve the prosecution of proving a knowing violation of such ex parte order in any prosecution for violating the order. Good cause exists for courts to extend ex parte orders beyond the initial period until a hearing can be held.
- 9) All **in custody** criminal matters shall be continued until after May 4, 2020, with the following exceptions:
 - a. Scheduling and hearing of first appearances, arraignments, plea hearings, criminal motions, and sentencing hearings.
 - b. Courts retain discretion in the scheduling of these matters, except that the following matters shall take priority:
 - i. Pretrial release and bail modification motions.

- ii. Plea hearings and sentencing hearings that result in the anticipated release of the defendant from pretrial detention within 30 days of the hearing.
- iii. Parties are not required to file motions to shorten time in scheduling any of these matters.

10) Juvenile court jurisdiction in all pending offender proceedings and in all cases in which an information is filed with the juvenile court prior to May 4, 2020, in which the offender will reach the age of 18 within 120 days of May 4, 2020 shall be extended to the offender's next scheduled juvenile court hearing after May 4, 2020.

11) A continuance of these criminal hearings and trials is required in the administration of justice. Based upon the court's finding that the serious danger posed by COVID-19 is good cause to continue criminal jury trials, and constitutes an unavoidable circumstance under CrR 3.3(e)(8), CrRLJ 3.3(e)(8), and JuCR 7.8(e)(7), the time between the date of this order and the date of the next scheduled trial date are EXCLUDED when calculating time for trial. CrR 3.3(e)(3), CrRLJ 3.3(e)(3), JuCr 7.8(e)(3).

12) The Court finds that obtaining signatures from defendants for orders continuing existing matters places significant burdens on attorneys, particularly public defenders, and all attorneys who must enter correctional facilities to obtain signatures in person. Therefore, for all those matters covered in Sections 4 and 5, this Order serves to continue those matters without need for further written orders. Additionally:

- a. Defense counsel is not required to obtain signatures from defendants on orders to continue criminal matters through May 4, 2020.
- b. The Court shall provide notice of new hearing dates to defense counsel and unrepresented defendants.
- c. Defense counsel shall provide notice to defendants of new court dates.

13) Bench warrants may issue for violations of conditions of release from now through May 4, 2020. However, the court will not issue bench warrants for failure to appear in-person for court hearing and pretrial supervision meetings unless necessary for the immediate preservation of public or individual safety.

14) Motions for Pre-Trial Release:

- a. The Court shall hear motions for pretrial release on an expedited basis without requiring a motion to shorten time, but only if victims or witnesses can participate on an expedited basis. Const. Art. 1 (section 35)
- b. The Court finds that for those identified as part of a vulnerable or at-risk population by the Centers for Disease Control, COVID-19 is presumed to be a material change in circumstances, and the

1 parties do not need to supply additional briefing on COVID-19 to
2 the court. For all other cases, the COVID-19 crisis may constitute
3 a “material change in circumstances” under CrR/CrRLJ 3.2(k)(1)
4 and “new information” allowing amendment of a previous bail
5 order or providing different conditions of release under CrR or
6 CrRL or J 3.2(k)(1), but a finding of changed circumstances in any
7 given case is left to the sound discretion of the trial court. Under
8 such circumstances in the juvenile division of superior court, the
9 court may conduct a new detention hearing pursuant to JuCR 7.4.

- c. Parties may present agreed orders for release of in-custody defendants, which will be signed expeditiously.
- d. If a hearing is required for a vulnerable or at-risk person as identified above, the court shall schedule such hearing within five days. The court will expedite hearings on other cases with due consideration of the rights of witness and victims to participate.

10 15) The Court will allow telephonic or video appearances for all scheduled
11 criminal hearings between now and through May 4, 2020, unless
12 impossible. For all hearings that involve a critical stage of the
13 proceedings, courts shall provide a means for the defendant to have the
14 opportunity for private and continual discussion with his or her attorney.
15 Telephonic, video, or other hearings required to be public must be
16 recorded, with the recording preserved for the record.

17 16) The Court recognizes that there are procedural issues in juvenile,
18 dependency, involuntary commitment, child support, and other matters
19 that may not be encompassed in this Order. Nothing in this Order limits
20 other interested parties in submitting similar orders tailored to the unique
21 circumstances of those matters and any other matters not contemplated by
22 this Order; however, parties are strongly encouraged to contemplate the
23 issues addressed in this order.

24 17) If counsel or others appear for a hearing and the courthouse doors are
25 locked, a phone call should be made to the Court Administrator Ms. Katie
26 Sloan at 509-659-3271 and she will see you in.

27 18) Counsel in civil cases are encouraged to appear by phone before May 4,
28 2020. Arrangements for that can be made by phoning the Court
29 Administrator, Ms. Katie Sloan at 509-659-3271.

It is so Ordered.

This 16th day of April, 2020.



Steve B. Dixon
Adams County Superior Court Judge