

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR BENTON AND FRANKLIN COUNTIES

IN RE THE MATTER OF)	
THE RESPONSE BY)	No <u>20-2-00001-03</u>
BENTON & FRANKLIN)	
SUPERIOR COURT TO THE COUNTIES)	
PUBLIC HEALTH EMERGENCY)	EMERGENCY ORDER #1
IN BENTON & FRANKLIN)	RE: COURT OPERATIONS
COUNTIES AND THE)	
STATE OF WASHINGTON)	

This matter comes before the Court on the public health emergency in Washington State. The actions set forth herein will take effect immediately and will remain in effect until further order of the Court, unless otherwise stated herein. If a date is stated herein, the stated date may be extended by Court Order.

1. On February 29, 2020, Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the coronavirus 2019 (COVID-19).
2. On March 4, 2020, Washington Supreme Court Chief Justice Debra Stevens entered Order No. 25700-B-602, in response to the declared public health emergency in Washington State, in part, as follows:

WHEREAS, during the state of emergency, it may become necessary for courts in these counties to close, relocate, or otherwise significantly modify their regular operations; and WHEREAS, the presiding Judges in these counties need sufficient authority to effectively administer their courts in response to this state of emergency, including to adopt, modify, and suspend court rules and orders as warranted to address the emergency conditions, NOW THEREFORE, pursuant to the Court's authority to administer justice and to ensure the safety of court personnel, litigants and the public, IT IS HEREBY ORDERED THAT:

- a. 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;

- b. 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;
 - c. 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.
3. The Benton-Franklin Health District is advising that “community members stay calm, stay informed and take steps to protect their health and the health of those around them.”
 4. On March 10, 2020, the Benton-Franklin Health District issued the following statement:

“We know that COVID-19 spreads among close contacts, and that reducing close contact with others can help reduce the spread of this disease. Social Distancing is a prevention strategy used for many other illnesses.

For social distancing to be most effective, it must be combined with other illness prevention steps.

- Wash your hands with soap and water frequently, especially after having physical contact with others, being in public places or health care facilities, when leaving work or school and upon returning home.
- Stay home when you are sick. It is crucial that those who are ill with fever or symptoms like coughing or shortness of breath stay home and away from others.
- Stay away from other sick people.
- If someone else at work is sick with a cough or cold, make this known to someone in charge so that person can be asked to leave.
- Cover your coughs and sneezes with a tissue, throw it away, and then wash your hands.
- Clean frequently touched objects and surfaces with a disinfectant.

Gatherings: BFHD is recommending additional social distancing for people at higher risk of severe illness from COVID-19. If your event has an intended audience of those that would be considered higher risk, we recommend cancellation of those events.

Those at higher risk include people who:

- are over 60 years of age
 - have an underlying medical condition, like heart disease, lung disease or diabetes
 - have weakened immune systems
 - are pregnant.
5. On March 11, 2020, the World Health Organization declared a global pandemic and the President of the United States spoke to the nation about extreme measures he was taking. The next day, Governor Inslee closed schools in three counties.
 6. On March 13, 2020, Governor Jay Inslee ordered all K-12 public and private schools in the State of Washington to close by March 17, 2020, and to remain closed until April 24, 2020.
 7. As of March 15, 2020, there are 769 reported positive cases and 42 reported deaths by COVID-19 in Washington State, and while there are no reported positive COVID-19 cases in Benton & Franklin Counties, the Court's priority is to be proactive and to take steps to protect the health of our citizens, in accordance with the Benton-Franklin Health District's current information.
 8. As of March 15, 2020, Governor Jay Inslee has released a statement indicating further expansion against COVID-19 to include shutting down restaurants, bars and entertainment and recreational facilities. Additionally, all gatherings with over 50 participants are prohibited and all gatherings under 50 participants are prohibited unless previously announced criteria for public health and social distancing are met.

Given the significant number of identified and projected cases of COVID-19 in the State of Washington and the severity of risk posed to the public, court personnel and litigants, and given the recommendations from the Benton-Franklin Health District, it is hereby ORDERED, pursuant to the authority of Washington State Supreme Court Order No, 25700-B-602, and the authority as the Presiding Judge of Benton & Franklin Counties, that the following shall be in effect beginning immediately:

IT IS ORDERED THAT:

- A. JURY TRIALS: The Court will conduct no jury trials until April 24, 2020.

B. ADULT CRIMINAL CASES:

1. *Time for Trial and Arraignment suspended.* CrR 3.3(b) (time for trial) and CrR 4.1 (time for arraignment) are temporarily suspended until further notice.

2. *Signatures on documents.* In lieu of obtaining personal signatures from defendants on documents filed in criminal cases, including pretrial release orders, trial setting orders, or other documents on which a signature is traditionally required (but *not including* protection orders or plea and sentencing documents), attorneys may sign their initials on the signature line intended for the defendant, indicating that they have notified the defendant of the contents of the order.

3. *Tuesday (Franklin) - Wednesday & Thursday (Benton) Criminal Calendars.* Parties are strongly encouraged to enter orders continuing trial dates by agreed order to minimize the number of people appearing in the courtroom. The Court will hear only out-of-custody matters 8:30 a.m.-12:00 p.m. Starting at 1:30 p.m. until 5:00 p.m., the Court will hear only in-custody matters. The Court may, in its discretion, direct that some in-custody matters on the regular criminal calendar be handled by videoconference from the jail. Those attorneys and parties with only out-of-custody matters are encouraged not to appear after 12:00 p.m. Parties are strongly encouraged to avoid unnecessary motions on matters that may be agreed outside of Court.

4. *Friday Morning (Benton) 3.5/3.6 Docket.* The Court will hear out-of-custody matters only during the first half of the docket, and in-custody matters only during the second half of the docket (after the break). Those attorneys and parties with only out-of-custody matters are encouraged not to remain after the morning break. Parties are strongly encouraged to avoid unnecessary motions on matters that may be agreed outside of Court.

5. *Criminal Bench Trials.* No criminal bench trials will be held before April 24, 2020, unless specifically authorized for extraordinary reasons by the Administrative Presiding Judge or her designee.

6. *First Appearances.* First appearance will be held as previously, except, in Franklin County, if defense counsel chooses to appear in the Courthouse

instead of the jail courtroom, that attorney must review all anticipated documents with the defendant prior to court.

7. *Arraignments.* All in-custody arraignments will be held pursuant to the procedures for First Appearances, above. All out-of-custody arraignments will be re-scheduled for a date after April 24, 2020 by issuance of a summons, unless specifically authorized for extraordinary reasons by the Administrative Presiding Judge or her designee.

8. *Conditions of Release.* Counsel for the State and for the Defense may present agreed amended conditions of release on the *ex parte* docket or through Court Administration for the Court's consideration and signature.

All other procedures and calendars remain unchanged until further notice.

C. JUVENILE CASES:

1. *Time for Adjudicatory Hearing and Arraignment suspended.* JuCr 7.6(a) (time for hearing) and JuCr 7.8(b) (time for arraignment) are temporarily suspended until further notice.

2. *Signatures on documents.* In lieu of obtaining personal signatures from juveniles on documents filed in criminal cases, including pre-release orders, trial setting orders, or other documents on which a signature is traditionally required (but *not including* protection orders or plea and disposition documents), attorneys may sign their initials on the signature line intended for the respondent, indicating that they have notified the respondent of the contents of the order.

3. *Juvenile probation violation hearings.* All juvenile probation violation hearings are hereby cancelled until after April 24, 2020. Alleged violations of Selective Aggressive Probation, and other matters deemed emergent will be heard at the discretion of a judicial officer.

4. *Juvenile criminal calendars.* All parties are strongly encouraged to enter orders continuing trial dates that are set before April 24, 2020 by agreement in order to minimize the number of people appearing in the courtroom at that time.

a. Benton County: The Court will hear only out of-custody matters on the morning docket. The Court will hear only in-custody matters

on the afternoon docket. Those attorneys and parties with only out of custody matters are encouraged not to appear during the in-custody docket.

b. Franklin County: In-custody and out of-custody dockets will operate as previously scheduled. Those attorneys and parties with only out of custody matters are encouraged not to appear during the in-custody docket.

Parties are strongly encouraged to avoid unnecessary motions on matters that may be agreed outside of Court.

5. *Trials*. No juvenile criminal trials will be held before April 24, 2020, unless specifically authorized for extraordinary reasons by a judicial officer.

6. *Juvenile civil matters (truancy, at risk youth, CHINS)*. No juvenile civil matters will be heard before April 24, 2020, unless specifically authorized by a judicial officer. Youth brought into detention shall be immediately released with a promise to appear at a date after April 24, 2020, unless specifically authorized by a judicial officer.

7. *Dependency matters*. Shelter care hearings may be scheduled on dependency matters, but no other hearings will be held until after April 24, 2020, unless specifically authorized for extraordinary reason by a judicial officer.

All other juvenile procedures and calendars remain unchanged until further notice.

D. DOMESTIC MATTERS:

1. *Temporary orders*. Only motions pertaining to emergent issues will be heard until April 24, 2020. Determination of the emergent nature of a motion will be made by judicial officers, who have the authority to do any of the following:

- a. strike a motion that is not emergent;
- b. continue a motion until after April 24, 2020;
- c. decide the motion on the pleadings;

- d. schedule a hearing in which the parties are instructed to appear telephonically, based on the read-first confirmations received by the Court;
- e. schedule an in-person hearing.

2. *Trials.* No new domestic trials will be held before April 24, 2020, unless specifically authorized for extraordinary reasons by a judicial officer.

3. *Domestic Status Conference Calendar.* This calendar, including both first and second status hearings, is hereby cancelled through April 24, 2020. Second Status hearings will be re-noted by the parties or the Court to a date after April 24, 2020.

4. *Decisions Without Oral Argument.* Through April 24, 2020, the judicial officer may issue decisions on pending motions without oral argument per LCR 94.07W (a)(3)(C).

5. *Appearances By Represented Parties.* Through April 24, 2020, appearances by a litigant represented by an attorney is not required.

6. *Presumption of Telephonic Hearing.* Through April 24, 2020, all domestic relations hearings that are presently set as a special set hearing shall be heard as a telephonic hearing unless the judicial officer directs that the litigants and/or counsel are required to be personally present.

7. *General Admonition To Parties.* Litigants and attorneys are encouraged to limit motions when possible and are encouraged to file only motions regarding emergent issues.

E. OTHER CASES:

1. *Guardianships/Probates.* Parties are encouraged to schedule these motions after April 24, 2020 if possible. Through April 24, 2020, if possible, telephonic appearances are encouraged.

2. *Protection Orders.* The court finds good cause to extend the time for a full hearing on a newly-filed temporary protection order for up to 28 days,

in the discretion of the individual reviewing judicial officer. Judicial officers will continue to review *ex parte* petitions to determine whether a temporary order is warranted.

3. *Civil Commitments*. Judicial officers will attend civil commitment hearings either in person, or by video from the Franklin County Courthouse, at their individual discretion.

4. *Ex parte Orders/Calendar*: The *ex parte* calendar shall be held as previously in both counties. Parties are strongly encouraged to submit *ex parte* orders via the Clerk's Offices, and the Court hereby waives the \$30 *ex parte* fee through April 24, 2020.

5. *State Child Support/Child Support Contempt Calendar*. This calendar is hereby cancelled through April 24, 2020.

6. *Legal Financial Obligation Calendar*. This calendar is hereby cancelled through April 24, 2020.

7. *Civil Trials*. No jury or bench trials will be heard before April 24, 2020. Any trials set before that date should be noted for a new trial setting after April 24, 2020 and the current trial date stricken from the trial calendar by Court Administration.

8. *Civil Calendar*. This calendar is hereby cancelled through April 24, 2020. No matters will be heard, unless specifically authorized to be placed on the calendar for extraordinary reasons by the Administrative Presiding Judge or her designee.

9. *Domestic Violence Protection Order Calendar*. This calendar will continue, however the presiding judicial officer may limit the number of individuals in the courtroom during the proceedings.

10. *Adult/Juvenile Drug Court*. Through April 24, 2020, these sessions will be suspended. The participants are not excused from the requirements of the program, and may be required to appear in court to address concerns of the drug court team, as ordered in the discretion of the presiding judicial officer.

11. *Adoptions*. Parties are encouraged to schedule these motions after April 24, 2020 if possible. Parties are directed to limit observers of adoptions to less than 40 people.

12. *Matters Requiring The Aid Of An In-Court Interpreter*: The court will endeavor, given the constraints of its facilities, to allow for proper social

distancing between interpreters and parties on all dockets, including defendants on criminal dockets and preliminary appearances.


13. *Search Warrants.* The Court will continue to handle requests for search warrants, both electronically, and in person where appropriate, pursuant to the existing protocol.

For all matters, the Court has discretion to remove or direct the removal of an individual who is, or who appears to be ill, to protect the health, welfare and safety of the public.

The Court's regular schedule and procedures will be followed except as specifically provided in this Order.

This Order may be further extended or modified.

DATED this 16 day of March, 2020.



Carrie Runge, Presiding Judge
Benton & Franklin Counties
Superior Court