

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF CHELAN

IN THE MATTER OF: Emergency Response to a) ADMINISTRATIVE ORDER
Threat to General Public Health and Welfare,) OF THE COURT; 2020-2
Caused By the Coronavirus Disease 2019) NO. 20-2-00002-04
("COVID-19"))

WHEREAS, on February 29, 2020, the State of Washington declared an emergency due to the public health emergency posed by the global pandemic known as Coronavirus Disease 2019 (COVID-19); and

WHEREAS, on March 4, 2020, Washington Supreme Court Justice Debra Stephens entered Order No. 25700-B-602, in response to the declared public health emergency in Washington State, that states, in part, as follows:

WHEREAS, during this state of emergency, it may become necessary for court 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:

1. 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;
2. 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;
3. Each court that closes pursuant to this Order or General Rule 21 shall sign an administrative order closing the court, file the original with clerk of the affected court, and notify the Administrative Office of the Courts as soon as practicable.

1 WHEREAS on March 13, 2020, the United States of America declared that a
2 National Health Emergency exists due to COVID-19; and

3 WHEREAS, on March 13, 2020, the State of Washington ordered that all K-12
4 schools must close from March 17, 2020 until at least April 27, 2020, for that same health
5 emergency; and

6 WHEREAS, on March 16, 2020 Governor Inslee issued a statewide emergency
7 proclamation to temporarily shut down restaurants, bars, and entertainment and
8 recreational facilities. In addition, all gatherings with over 50 participants are prohibited
9 and all gatherings under 50 participants are prohibited unless previously announced criteria
10 for public health and social distancing are met; and

11 WHEREAS, on March 17, 2020, the Chelan County Board of Commissioners
12 declared a state of emergency for Chelan County in response to the public health crisis
13 caused by COVID-19;

14 WHEREAS, Public health experts with the Washington State Department of
15 Health, Chelan-Douglas Health District, and the National Center for Disease Control report
16 that, though most persons contracting COVID-19 suffer mild symptoms, persons at a
17 higher risk of serious illness from COVID-19 include people:

- 18 • older than 60;
- 19 • who have serious chronic medical conditions such as diabetes, heart
20 disease, or lung disease;
- 21 • who have weakened immune systems;
- 22 • who are pregnant; or
- 23 • who are sick or have recently been in contact with someone who is sick.

1
2 WHEREAS, on March 20, 2020, the Washington State Supreme Court by Order
3 No. 25700-B-607 (the "Washington State Supreme Court Order") mandated restrictions for
4 all hearings and trials in the superior courts of the State of Washington and limited the
5 manner in which hearings may be held in the superior courts, necessitating a significant
6 change in operations and procedures for the Chelan County Superior Court.

7 WHEREAS, the Chelan County Superior Court adopts by this reference the
8 findings and conclusions set forth in the foregoing orders and resolutions; and

9 WHEREAS, the Court finds that the health and safety of the public, the parties to
10 any litigation in this Court, the employees of the Court and the employees within the law
11 enforcement community are at risk by said pandemic; and

12 NOW, THEREFORE, pursuant to the Court's authority to administer justice and to
13 ensure the safety of court personnel, litigants, and the public,

14
15 IT IS HEREBY ORDERED THAT:

16 **GENERAL**

17 1. Pursuant to General Rule (GR) 21(a) and Washington State Supreme Court
18 Order No. 25700-B-002 dated March 4, 2020, the Presiding Judge of Chelan County,
19 Washington is authorized to adopt, modify, and suspend court rules and orders and to take
20 further actions concerning court operations, as warranted, to address the current public
21 health emergency.

22 2. Persons exhibiting symptoms of COVID-19, including fever, persistent
23 cough, or shortness of breath SHALL NOT enter the 5th Floor of the Chelan County Law
24 and Justice Building or Juvenile Justice Center (collectively, hereinafter "the Courthouse").

1 Any such person who does appear shall be refused entry by Courthouse Security staff.
2
3 Persons who cannot enter the Courthouse or those at high risk for serious illness who wish
4 to avail themselves of this order SHALL contact the appropriate judicial department to
5 request other arrangements to be made related to their court business.

6 3. All persons present in any courtroom of the Superior Court shall, to the
7 extent practicable, increase handwashing and use of alcohol-based sanitizers, exercise
8 respiratory hygiene and cough etiquette (cover a cough or sneeze), and observe social
9 distancing and maintain a distance of at least 6 feet from any other person. The judicial
10 officer presiding over the courtroom shall retain the authority to exclude any person failing
11 to obey this directive.

12 4. For any hearings being conducted on or prior to April 24, 2020, attorneys
13 and pro se parties shall contact chambers to arrange for telephonic appearance.
14 Arrangements shall be made at least 1 work day prior to the court hearing by calling or
15 emailing superiorcourt.judge@co.chelan.wa.us. Furthermore, individual judicial officers
16 may, at their discretion, require parties and attorneys appear via telephone for any hearing.

17 5. The Chelan County Superior Court remains open.

18 **ADULT CRIMINAL CASES**

19 1. Pursuant to the Washington State Supreme Court Order 25700-B-607, the
20 new commencement date for all criminal trials suspended under that order is April 25,
21 2020.

22 2. All pending criminal jury trials in this court scheduled to begin during
23 March or April 2020 shall be continued to a date after April 24, 2020. Each such case shall
24 be set for a Trial Setting hearing on or after April 29, 2020.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

3. All **out of custody** criminal matters that have been set on the regular Monday or Wednesday Criminal Calendars shall be continued to after April 24, 2020. The Court retains discretion to schedule such matters to be heard during a special set hearing consistent with the Washington State Supreme Court Order. Parties and their attorneys shall return to Court for re-setting hearing dates as follows:

a. Out of custody hearings set for March 23, 25, 30 and April 1, 2020 will be reset for new hearing dates on April 29, 2020. Parties must appear in person for the April 29 hearing unless otherwise ordered by the Court.

b. Out of custody hearings set for April 6, 8, 13 and 15, 2020 will be reset for new hearing dates on May 4, 2020. Parties must appear in person for the May 4 hearing unless otherwise ordered by the Court.

c. Out of custody hearings set for April 20, 22, 27, and 29, 2020 will be reset for new hearing dates on May 6, 2020. Parties must appear in person for the May 6 hearing unless otherwise ordered by the Court.

4. If a party has hearings set on more than one of the dates listed above in March or April, then that party shall appear at the earlier of the resetting dates applicable to their case.

5. **Out of custody** hearings may be conducted prior to April 24, 2020 by agreement of the parties and shall generally be scheduled on the regular criminal calendars.

6. Except as provided in the Washington State Supreme Court Order, all **in custody** criminal matters shall be continued to after April 24, 2020 according to the schedule set forth above for out of custody continuance/reset hearings, with the following exceptions:

- a. Scheduling of first appearances, arraignments, criminal motions, plea and sentencing matters.
- b. The Court retains discretion in the scheduling of these matters, except that the following matters shall take priority:
 - i. Pretrial release motions.
 - ii. Plea hearings and sentencing hearings that result in the anticipated release of the defendant within 30 days of the hearing.
 - iii. Parties are not required to file motions to shorten time in scheduling any of these matters.

7. The Friday Probation Violation calendars for March and April are stricken. All defendants scheduled for these calendars are expected to appear for the May 15, 2020 calendar at 9:30 a.m.

8. Drug Court is suspended for in-person hearings for the month of April but parties will be contacted for likely telephonic check-ins with the Court on regular scheduled Drug Court hearing dates.

CIVIL CASES

1. The Washington State Supreme Court Order No. 25700-B-607 permits emergency civil hearings to take place between today's date and April 24, 2020. This Court defines an "emergency matter" to be any matter which affects the immediate health, welfare, or safety of any individual. Included within the definition of "emergency matters" are matters relating to Domestic Violence Protection Orders, Sexual Assault Protection Orders, Vulnerable Adult Protection Orders, Extreme Risk Protection Orders, and Anti-Harassment Orders. Also included in this definition are any hearings on the above listed

1 protection order types or temporary restraining orders that were entered *ex parte* prior to
2 the issuance of the Washington State Supreme Court Order and the hearing has not yet
3 occurred. Temporary Restraining Orders, including those relating to property and/or
4 financial matters, may constitute an emergency matter and will be evaluated on a case-by-
5 case basis.

6 2. Non-emergency civil matters may also be heard pursuant to the Washington
7 State Supreme Court Order so long as they can appropriately be conducted by telephone,
8 video or other means that does not require in-person attendance. See “General” provisions,
9 paragraph 4 (above) for instructions on providing telephone contact information to the
10 court.

11 3. No civil trials shall be conducted between now and April 24, 2020.

12 4. All parties, witnesses, attorneys, and guests appearing at any hearing or trial
13 in person will be expected to adhere to social distancing and other safety protocols.

14 5. Protection order cases heard on the Tuesday morning calendars from now
15 through April 24, 2020 shall remain unchanged except that the start times will be staggered
16 by the court. The court will call the attorneys and/or unrepresented parties for the
17 hearings.

18 6. All Settlement Conferences scheduled between March 18, 2020 to April 30,
19 2020 are administratively CANCELLED. Settlement Conferences will be waived or
20 rescheduled per future administrative direction.

21 JUVENILE, TRUANCY AND AT-RISK YOUTH CASES

22 1. Truancy calendars are hereby canceled for the remainder of March and all
23 of April 2020.

1
2 2. At-Risk Youth hearings are hereby canceled for the remainder of March and
3 all of April 2020, except in situations where there is a danger to the minor child or another
4 person.

5
6 **DEPENDENCY CASES**


- 7 1. Emergency dependency orders shall generally be considered to include:
8 a. Initial shelter care hearings.
9 b. Motions or other hearings involving situations in which there is a danger
10 to the safety and/or welfare of the child or another person.
- 11 2. Attorneys shall make every reasonable attempt to minimize the number of
12 people who appear in person at any emergency dependency hearing. Anyone who appears
13 in person at these hearings will be expected to adhere to social distancing and other safety
14 protocols.
- 15 3. Non-emergency dependency cases shall only be held between now and
16 April 24, 2020 if the hearing can be conducted by telephone, video or other means that
17 does not require in-person attendance and all necessary participants are provided the
18 opportunity to attend.

19
20 **AMENDMENT OF THIS ORDER**

21 1. The Superior Court anticipates the need to amend and/or supersede this
22 Order as the COVID-19 public health emergency continues to develop and more
23 information becomes available.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

DATED this 20th day of March, 2020.



Honorable Lesley A. Allan
Presiding Judge
Chelan County Superior Court