

FILED  
SUPERIOR COURT

'20 JUN 25 12:02

CO. 1. ENK  
STAC. L. MYKLEBUST

BY \_\_\_\_\_

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

IN RE THE MATTER OF THE RESPONSE  
BY COWLITZ COUNTY SUPERIOR  
COURT TO THE PUBLIC HEALTH  
EMERGENCY IN COWLITZ COUNTY  
AND THE STATE OF WASHINGTON

No.: *2020-0003-08*  
EMERGENCY ORDER No. 4-A  
RE: COURT OPERATIONS  
(REPLACING ORDER NO. 3-A and 3)

**FINDINGS OF FACT BASED UPON THE PUBLIC RECORD**

On May 1, 2020, Governor Jay Inslee declared a continuing state of emergency due to the public health emergency posed by the coronavirus 2019 (COVID-19), and will continue the "Stay Home, Stay Healthy" order through May 31, 2020. [This order of the Governor of the State of Washington, dated May 4, 2020, extending the prior order to May 31, 2020, is incorporated herein by reference.] On May 23, 2020 Cowlitz County was granted the authority to move into Phase 2 of the Governor's plan to reopen the State.

**WHEREAS**, the basis for the prior Emergency Orders still exists, with modifications, and the CDC has continued to recommend stringent social distancing,

Emergency Order No. 4-A  
Re: Court Operations  
(Replacing Emergency Order No. 3-A and 3)  
Page 1

avoiding public places, clean and disinfect frequently, as well as vulnerable populations to stay home;

**WHEREAS**, Cowlitz County currently has at least 145 confirmed cases of COVID-19;

**WHEREAS**, like many courts, we serve a vulnerable population of people. In addition, whether people come to the court as a party, witness, juror, legal counsel, or as court personnel, the courtrooms are compact, jury rooms are small, jury pools can only be maintained in a small area, there are limited restrooms, and seating is compact;

**THEREFORE**, based on the above, the significant number of individuals at risk of contracting COVID-19 in Cowlitz County and the severity of risk posed to the public, court personnel and litigants; the significant limitations of our courts to comply with recommendations of the CDC, Washington State Health Department and the Cowlitz County Health Department; and given the recommendations from these departments:

**It is hereby ORDERED**, after finding good cause and pursuant to the authority of the Washington State Supreme Court Orders in response to the COVID-19 public health emergency, and the authority as Acting Presiding Judge of Cowlitz County Superior Court and Presiding Juvenile Court Judge of Cowlitz County, as follows:

1. **CRIMINAL AND CIVIL JURY AND BENCH TRIALS.**

a. All jury summons are suspended until July 27, 2020. The jury personnel for Cowlitz County Superior Court shall call off summoned jurors immediately.

b. All criminal trials are stricken and CONTINUED until at least the week of July 27, 2020; EXCEPT, criminal bench trials may be set prior to July 27, 2020, if the Court deems the bench trial can occur safely, in consideration of the recommendations of the CDC and Cowlitz County Health Department. A new trial date will be assigned as scheduled.

c. **CIVIL JURY TRIALS.** All civil jury trials are stricken through October 2, 2020.

The party shall renote the matter for a new date on the Trial Scheduling docket.

d. **CIVIL BENCH TRIALS**. All civil bench trials, effective June 1, 2020, are to be heard virtually unless otherwise ordered by the Court.

e. These trials and other matters are continued due to the Orders of the Supreme Court, the serious danger posed by the virus, which is an unavoidable circumstance, reduced ability to obtain an adequate spectrum of jurors and the effect of the above public health recommendations on the availability of counsel and Court staff to be present in the courtroom. The time period of the continuances by this Emergency Order will be excluded in computing time for a criminal trial pursuant to CrR 3.3(e)(3) and CrR 3.3(f)(2), and related local rules. The Court further finds that the ends of justice served by continuing these cases outweighs the defendant's right to a speedy trial. The Court further finds that any delays for time for trial are the result of the unavoidable and unforeseen circumstances and are therefore excluded from computing time for trial by CrR3.3(e)(8). Furthermore, the Court SUSPENDS CrR 3.3 and JuCR 7.8 regarding time for trial and CrR 3.4 and related local court rules requiring the presence of the defendant, effective March 20, 2020 to at least July 27, 2020, or as determined by further court order.

2. **ALL OTHER CRIMINAL DOCKETS**. All other criminal cases and dockets shall be handled as follows:

a. All other out of custody criminal matters shall be continued until after July 3, 2020 or as determined by further court order.

b. All in custody criminal matters shall be handled as follows:

All in custody criminal matters shall be continued until after July 3, 2020, or as determined by further court order, with the following exceptions: Scheduling and hearing of first appearances, arraignments, plea and sentencing hearings with a release expected within 30 days, as well as criminal motions. The current Cowlitz County Superior Court adult criminal dockets shall be temporarily modified, so all first appearances will occur at the currently set First Appearance docket, and all remaining matters set for that day will be considered by the Court after completion of the First Appearances. The Court will be

setting all in-custody arraignments on Thursdays and all in-custody pleas on Tuesdays. The priority of the types of hearings is as set forth in the Orders of the Supreme Court.

c. All drug court and mental health court hearings will be continued to be heard virtually.

3. **ALL DOMESTIC DOCKETS**. The family law cases and dockets will be handled as follows:

a. All domestic motions shall remain as currently, or subsequently set. The assigned judge will decide the motions based solely on the documents filed with the court, unless otherwise directed by such assigned judge. The assigned judge will then issue a written ruling and convey that decision by email to the attorney(s) if represented, or to the party. If the assigned judge determines he/she wants to hear oral argument, such argument will be heard virtually unless otherwise directed by the Court. Further, the Court will issue automatic temporary orders in newly filed cases. The temporary order can be found on the Court's website at <https://cowlitzsuperiorcourt.us/>.

b. All mandatory settlement conferences will be heard virtually.

c. All final decree hearings shall be heard virtually or by submission of the pleadings through the Ex Parte process as set forth in Cowlitz County local rule CR92 and herein.

4. **ALL OTHER CIVIL LAW DOCKETS**. The remaining civil law cases and dockets shall be handled as follows:

a. Guardianships:

i. All guardianship motions shall remain as currently, or subsequently set. The assigned judge will decide the motions based solely on the documents filed with the court, unless otherwise directed by such assigned judge. The assigned judge will then issue a written ruling and convey that decision by email to the attorney(s) if represented, or to the party. If the assigned judge determines he/she wants to hear oral argument, such argument will be heard virtually unless otherwise directed by the Court.

Alternatively, where appropriate, the matter can be submitted for consideration through the Ex Parte process.

ii. On a case by case basis, longer continuances will be permitted to address barriers to accessibility and health and safety issues for Guardians ad Litem and Medical Providers in interviewing and evaluating Alleged Incapacitated Persons.

iii. In anticipation of barriers accessing Alleged Incapacitated Persons, particularly those considered vulnerable to COVID-19 and those residing in care facilities, Guardian ad Litem and other parties may note Petition for Instructions or other motion(s) to approve alternatives to in-person interviews on shortened time without prior entry of an Order Shortening Time.

iv. For the immediate future (until further order of the Court), and while the public health crisis is ongoing, all Petitions for Appointment of Guardian ad Litem should be submitted Ex Parte.

b. Probates. Effective immediately, all eligible Petition for Appointment of Personal Representative or Administrator and Bonds must be presented Ex Parte via the Clerk. Walk-in/In Person presentation is no longer permitted. For those matters which require notice or otherwise are ineligible for submission Ex Parte, via the Clerk, the moving party shall note the matter on the docket. All currently scheduled probate motions shall remain as currently, or subsequently, set. The assigned judge will decide the motions based solely on the documents filed with the court, unless otherwise directed by such assigned judge. The assigned judge will then issue a written ruling and convey that decision by email to the attorney(s) if represented, or to the party. If the assigned judge determines he/she wants to hear oral argument, such argument will be heard virtually unless otherwise directed by the Court. Alternatively, where appropriate, the matter can be submitted for consideration through the Ex Parte process. Parties must continue to submit original Wills as required pursuant to Chapter 11.20 RCW.

c. Adoption. All adoptions shall be heard virtually in accordance with the following process:

Seven days in advance of the hearing, the Note for hearing, any required check for certified copies, all the required forms and final pleadings, shall be provided to the Cowlitz County Superior Court Clerk's Office. A pre-stamped envelope shall also be provided for the Clerks to mail certified documents to the Petitioner/s following the hearing, if applicable. Once these steps have been followed, then the party shall be provided the virtual hearing information.

d. All Other Civil Hearings. All other civil motions not addressed above, including, but not limited to Receivership and Minor Settlements, but not Unlawful Detainers based on non-payment of rent, shall be noted and heard virtually by the Court. All in-person hearings on these calendars are suspended. Unlawful Detainers based on non-payment of rent shall be suspended until further order of this Court. .

5. **ALL MENTAL HEALTH HEARINGS AT PEACE HEALTH.** In an effort to minimize the threat to the well-being and health caused by the COVID-19 virus, the Court does hereby enact an emergency change to the timeframes of the probable cause hearing of the Involuntary Treatment Act (ITA) (RCW 71.05) that is held within the Peace Health/St. John Medical Center's evaluation and treatment facility, as follows:

1. When a person is detained under an allegation that she/he suffers from a mental disorder that presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, the time requirement in which the probable cause hearing shall occur is hereby increased from within 72 hours to within 120 hours. This time computation of the 120 hours shall exclude Saturdays, Sundays and holidays.
2. All parties, witnesses, attorneys, court personnel (clerk and judge), and witnesses are emphatically encouraged to appear either telephonically or by audio/video conferencing.

3. Notwithstanding the foregoing, all external witnesses, e.g. police officers, members of the public, family members, social workers, etc, shall testify telephonically or via video conferencing.

6. **DEPENDENCY/TERMINATION DOCKETS AND TRIALS.** The Dependency/Termination docket at the Youth Services Center (juvenile court), shall be handled as follows:

a. All hearings, including dependency fact findings, shall remain as currently scheduled, or as subsequently scheduled, and heard virtually, unless otherwise ordered by the Court.

b. All termination trials shall remain as currently scheduled, or as subsequently scheduled, to be heard in a manner determined appropriate by the Court (including potentially virtually or in-person), in consideration of the CDC guidelines, recommendations from the Cowlitz County Health Department, applicable Youth Services (juvenile court) policy, and all other measures necessary for the health and safety of the participants and staff.

c. Any matters that can be agreed upon by the parties, and signed off by the parties, can be submitted to the Juvenile Court Judge for review and signature.

d. All HOPE Court dockets will continue to be heard virtually.

7. **TRUANCY DOCKETS.** The Truancy dockets at the Youth Services Center, shall be handled as follows:

a. All dockets and fact findings shall be cancelled until September 3, 2020. The applicable school can work with the Juvenile Court Clerk handling truancy cases, to determine new court dates so long as an extension of jurisdiction is filed by the applicable school for the 2020-2021 school year.

b. If a youth or parent appears on a warrant already issued by the Court, then the warrant will be quashed and a new court date shall be issued during the 2020-2021 school year, so long as the applicable school files an extension of jurisdiction to the 2020-2021 school year.

8. **JUVENILE CRIMINAL DOCKETS AND FACT FINDINGS**. The juvenile criminal dockets and fact findings shall be handled as follows:

a. All out of custody juvenile criminal matters, except fact-findings, shall be heard virtually, unless the Court otherwise authorizes an in-person hearing. Such in-person hearing shall be subject to the CDC guidelines, consideration of the recommendations from the Cowlitz County Health Department, applicable Youth Services (juvenile court) policy, and all other measures necessary for the health and safety of the participants and staff.

b. All juvenile in custody criminal matters shall be handled as follows:

i. All in custody criminal matters shall be carried out virtually (meaning by video or other available electronic means), except fact findings, unless the Court otherwise authorizes an in-person hearing. Such in-person hearing shall be subject to the CDC guidelines, all applicable Youth Services (juvenile court) policies, and any other requirements necessary to protect the health and safety of the participants and staff.

c. All SAFE Court and ITC hearings will continue to be heard virtually

d. Juvenile fact findings (trials) shall be heard in-person, subject to the requirements set forth by the Court, including following CDC and Cowlitz County Health Department recommendations, applicable Youth Services Center (juvenile court) policy, and any other requirements necessary to protect the health and safety of the participants and staff. However, if the Court finds these requirements cannot be met, then the Court will enter an Order specifying the reasons and a basis to continue the matter.

e. These fact findings (trials) and other matters are set forth above, with the stated requirements, due to the serious danger posed by the virus, which is an unavoidable circumstance, the effect of the above public health recommendations on the availability of counsel and Court staff to be present in the courtroom. The time period of applicable continuances by this Emergency Order will be excluded in computing time for a criminal trial pursuant to CrR 3.3(e)(3) and CrR 3.3(f)(2), and related local rules. The Court further finds that the ends of justice served by continuing cases as necessary outweighs the



respondent's right to a speedy trial. The Court further finds that any delays for time for trial are the result of the unavoidable and unforeseen circumstances and are therefore excluded from computing time for trial by CrR3.3(e)(8). Furthermore, the Court SUSPENDS CrR 3.3 and JuCR 7.8 regarding time for trial and CrR 3.4 and related local court rules requiring the presence of the respondent, effective March 20, 2020 to at least July 13, 2020, or as determined by further court order.

f. Juvenile court jurisdiction in all pending offender proceedings and in all cases in which an information is filed with the juvenile court prior to June 1, 2020, in which the offender will reach the age of 18 within 120 days of May 4, 2020, shall be extended to the respondent's next scheduled juvenile court hearing in which the respondent is required to appear virtually or in person.

9. **JUVENILE AT RISK YOUTH**. All At-Risk-Youth (ARY) cases shall be heard virtually, unless the Court determines it is necessary to have the parties appear in-person. If the parties are required to appear in person, then they must comply with CDC guidelines, recommendations of the Cowlitz County Health Department, applicable Youth Services (juvenile court) policies, and all other requirements deemed necessary by the Court to protect the health and safety of the participants and staff.

10. **CHILD IN NEED OF SERVICES (CHINS)**. All CHINS cases shall be handled in the same manner as the dependency cases.

11. **EX PARTE DOCKETS**.

a. All in-person Ex Parte dockets are cancelled until further notice.

b. Ex Parte documents to be considered by the Court will be left with the Superior Court Clerk's Office. The Clerk will then provide the documents to the Court for the assigned judge to review. The assigned judicial officer shall review, make a decision, or request additional information, by no later than the next business day. The documents will then be returned to the Superior Court Clerk's Office for further processing.

c. If the Ex Parte request is for an immediate temporary protection order regarding domestic violence/harassment/stalking/sexual assault, the process shall occur as follows:

i. The Superior Court Clerk's office shall provide the documents requesting the immediate temporary protection order to the assigned judicial officer for review. If the judicial officer approves the request, then the order shall be returned to the Superior Court Clerk's office for processing.

ii. If the judicial officer does not approve the request for an immediate temporary protection order, as set forth above, then the judicial officer will advise the Superior Court Clerk's office to set the matter for a hearing as soon as possible, but no later than the next judicial day. The hearing shall be held virtually unless otherwise directed by the judicial officer.

12. **DOMESTIC VIOLENCE/HARASSMENT/STALKING/SEXUAL ASSAULT CIVIL PROTECTION ORDER (PO) HEARINGS.** All Protection Order hearings shall be held virtually. For all new protection orders, it shall be required to have the ZOOM virtual hearing information included with the documents to be served on the Respondent.

WEAPONS SURRENDER COMPLIANCE HEARINGS: Petitioners shall appear virtually, unless otherwise ordered by the Court or the Respondent has already filed a "Declaration of Non-Surrender" or a "Receipt for Surrender."

13. **STATE'S PATERNITY, CONTEMPT, AND CHILD SUPPORT TRIAL DOCKETS.**

a. State paternity motions shall be handled on pleadings only, pursuant to domestic docket procedure detailed in Section 3 above.

b. The State child support contempt docket shall be heard virtually unless otherwise directed by the assigned judicial officer.

c. State trials for child support modifications or adjustments shall be handled on pleadings only, pursuant to domestic docket procedure detailed in Section 3 above. State trials for paternity and initial orders of child support shall be handled virtually.

14. **LIMITED JURISDICTION COURT APPEALS (RALJ).** RALJ matters shall be determined on the pleadings filed with the Court, unless oral argument is requested by

one of the parties or the Court. Oral argument shall occur virtually, unless otherwise directed by the judicial officer hearing the appeal.

15. **GENERAL.** In general the following shall be applied:

**a. Signatures.**

i. The Court shall allow electronic copies of signatures, and will consider such copies as if an original signature, to include, but not limited to, scanned signatures. A party submitting a signature under this paragraph is not required to include a GR 17 affidavit. This exception shall continue until further court order.

ii. *For documents being filed with the Superior Court or Juvenile Court Clerk's Office:* THIS DOES NOT ALLOW FOR ANY PARTY, COUNSEL, OR ANY OTHER COURT PARTICIPANT FILING A DOCUMENT, TO EMAIL THE DOCUMENT TO THE SUPERIOR OR JUVENILE COURT CLERK TO HAVE THE CLERK PRINT OUT THE DOCUMENT/S FOR FILING, UNLESS OTHERWISE APPROVED BY A JUDICIAL OFFICER - THE DOCUMENTS WILL HAVE TO BE MAILED OR HAND DELIVERED.

**b. Interpreters.** An interpreter for a case shall not be scheduled for any hearings, unless, in addition to the regular requirements, at least forty eight hours before the hearing: a.) The attorney/party, in writing, requests Court Administration to provide an interpreter; and b.) The assigned judge approves the providing of an interpreter for that case on that docket. The sole exception is if the attorney/party does not know about the case being heard until after the forty eight hours, at which time the attorney/party must immediately comply with the requirements of the requirements set forth in this paragraph.

**c. Trial Assignments (Civil/Domestic).** All Civil/Domestic Trial Assignment dockets shall occur virtually.


**d. Virtual Hearings.** All hearings set forth herein, that are to be heard virtually, shall be carried out using the ZOOM platform unless otherwise directed by the

assigned judicial officer. Information to participate in virtual hearings, including dockets, shall be provided to the parties via email through June 12, 2020. After June 12, 2020, virtual docket login information will be available on the courts website. The Superior Court's website is <https://cowlitzsuperiorcourt.us/>.

e. **Superior Court (including those courtrooms located at the Hall of Justice, Cowlitz County Jail, and Youth Services Center [juvenile court]:** Any person, unless otherwise authorized by the Court, **shall be required to wear a mask** covering that person's nose and mouth at all times while in a Superior Court courtroom or back office area. This requirement does not apply to any child two or less years of age. If a person has a health condition that prohibits them from wearing a mask as required herein, shall be accommodated by being allowed to wear a face shield approved and provided by Superior Court. Other than the face shield, each person shall be required to provide their own mask. In addition, any person entering the Youth Services Center may be required to go through additional health screenings based on the higher standards necessary to protect all those individuals entering the detention portion of the building.

The **effective date of this Order is June 25, 2020**. This revised and extended Emergency Order No. 4-A replaces this Court's prior Emergency Order 3-A and 3. This Court may extend the time frames in this Order as required by continuing public health emergency, and if necessary, will do so by further order.

DATED this 25th day of June, 2020.

  
\_\_\_\_\_  
JUDGE MARILYN K. HAAN  
ACTING PRESIDING JUDGE OF  
COWLITZ COUNTY SUPERIOR COURT