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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR JEFFERSON COUNTY

IN THE MATTER OF  
THE RESPONSE TO PUBLIC HEALTH  
EMERGENCY

ADMINISTRATIVE ORDER

NO. 2020-03

WHEREAS, The Chief Justice has issued an emergency order in response to the public health emergency that affects operations of trial courts in Washington State on March 4, 2020; and

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-B-602 granting emergency authority to this court to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency; and

WHEREAS, Governor Inslee has declared a state of emergency in the State of Washington; and

WHEREAS, the President of the United States has declared a federal state of emergency; and

WHEREAS, most recently Washington Governor Jay Inslee has ordered that restaurants, bars, entertainment and recreational facilities will be shut down and that gatherings of over 50 participants will be prohibited and gatherings of less than 50 will be prohibited unless previously

announced criteria for public health and social distancing are met, and local public health officials have declared that the COVID-19 virus will continue to spread; and

WHEREAS, the Jefferson County Board of Commissioners declared a state of emergency in Jefferson County on March 16, 2020, and the Board also passed a motion on March 17, 2020, to close the County Courthouse to the public, with limited exceptions for the courts and some other functions, to be effective as soon as practicable; and

WHEREAS, this Court has previously issued Administrative Order 2020-01 on March 16, 2020, concerning the Public Health Emergency and incorporates herein by reference the findings and conclusions made by this Court in that Order; and

WHEREAS, the Jefferson County Superior Court is ill-equipped to comply effectively with social distancing and other public health requirements, so continued in-person court appearances may jeopardize the health and safety of litigants, attorneys, judges, commissioners, court staff and members of the public; and

WHEREAS, the Jefferson County Superior Court wants to take reasonably necessary steps to assist in stopping or slowing the spread of COVID-19; and

WHEREAS, the Jefferson County Superior Court adopts by reference the findings and conclusions set forth in the foregoing declarations and resolutions of the Board of County Commissioners, the Governor and the Washington Supreme Court; and

WHEREAS, this Court previously adopted Administrative Orders 2020-01 on March 16, 2020, and Administrative Order 2020-02 on March 18, 2020; and

WHEREAS, the Washington Supreme Court has since adopted Amended Order No. 25700-B-607, on March 20, 2020; and

WHEREAS, and this Court now desires to adopt an order to simplify compliance and be consistent with the Supreme Court's Amended Order No. 25700-B-607; and

NOW, THEREFORE, pursuant to the Court's authority to administer justice and to ensure the safety of litigants, attorneys, judges, commissioners, court staff and members of the public;

IT IS HEREBY ORDERED THAT:

**1 Specific Court Dockets.** Effective Thursday, March 19, 2020, on a temporary basis until further order of this Court, the following court dockets are cancelled or modified:

A. Adoptions. The Wednesday afternoon 1:00 PM Adoption docket is cancelled until after April 24, 2020. Any Adoption hearings which must be held prior to that date shall be specially set as directed by the Court. All Adoption hearings shall be done by telephone or similar alternative with no in-person court appearance.

B. Drug Court. Thursday morning Drug Court staffing meetings and Drug Court are cancelled until after April 24, 2020, unless specially set by the Court. Any such meeting or Court session so set shall be done by telephone or similar alternative with no in-person court appearance.

C. Family Therapeutic Court (FTC). The Thursday morning FTC staffing meetings and FTC court sessions are cancelled until after April 24, 2020.

D. Truancy. The Thursday afternoon Truancy court docket is cancelled until after April 24, 2020.

**2 Criminal Cases.**

A. All criminal jury trials are suspended until after April 24, 2020. Trials already in session where a jury has been sworn and social distancing and other public health measures are

strictly observed may proceed or be continued if the defendant agrees to a continuance. For all criminal trials suspended under this provision, April 25, 2020 will be the new commencement date under CrR 3.3.

B. All **out of custody** criminal matters already pending shall be continued until after April 24, 2020 except those motions, actions on agreed orders, conferences or other proceedings that can appropriately be conducted by telephone, video or other means that does not require in-person attendance. Arraignment on **out of custody** cases filed between today's date and April 24, 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 and 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). Nothing in this section requires suspension of therapeutic court proceedings that can appropriately be conducted by telephone, video or other means that does not require in-person attendance.

C. Courts may 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 an *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.

D. All **in custody** criminal matters shall be continued until after April 24, 2020, with the following exceptions:

- i. Scheduling and hearing of first appearances, arraignments, plea hearings, criminal motions, and sentencing hearings.
- ii. Courts retain discretion in the scheduling of these matters, except that the following matters shall take priority:
  - a. Pretrial release and bail modification motions;
  - b. Plea hearings and sentencing hearings that result in the anticipated release of the defendant from pretrial detention within 30 days of the hearing; and
  - c. Parties are not required to file motions to shorten time in scheduling any of these matters.

E. 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).

F. 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 matters covered in Section 2, this Order serves to continue those matters without need for further written orders. Additionally:

- i. Defense counsel is not required to obtain signatures from defendants on orders to continue criminal matters through April 24, 2020.
- ii. Courts shall provide notice of new hearing dates to defense counsel and unrepresented defendants.
- iii. Defense counsel shall provide notice to defendants of new court dates.
- iv. Regarding other documents, in lieu of having criminal Defendants personally sign documents as customarily required (except protection orders, pleas and sentencing documents), attorneys may sign on behalf of the intended Defendant, which shall indicate that the attorney has notified the Defendant of the contents of the order.

G. Bench warrants may issue for violations of conditions of release from now through April 24, 2020. However, the Court shall not issue bench warrants for failure to appear in-person for court hearings and pretrial supervision meetings, unless necessary for the immediate preservation of public or individual safety.

H. Motions for Pre-Trial Release:

- i. Courts 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).
- ii. 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 parties do not need to supply additional briefing on COVID-19 to the Court.
- iii. For all other cases, the COVID-19 crisis may constitute a “material change in circumstances” under CrR/CrRLJ 3.2(k)(1) and “new information” allowing

amendment of a previous bail order or providing different conditions of release under CrR or CrRL or J 3.2(k)(1), but a finding of changed circumstances in any given case is left to the sound discretion of the trial court. Under such circumstances in the juvenile division of superior court, the court may conduct a new detention hearing pursuant to JuCR 7.4.

I. Parties may present agreed orders for release of in-custody defendants, which should be signed expeditiously.

J. If a hearing is required for a vulnerable or at-risk person as identified above, the court shall schedule such hearing within five days. However, the Court is shall expedite hearings on other cases with due consideration of the rights of witnesses and victims to participate.

L. Courts must allow telephonic or video appearances for all scheduled criminal hearings between now and through April 24, 2020, unless impossible.

K. For all hearings that involve a critical stage of the proceedings, the Court shall provide a means for the defendant to have the opportunity for private and continual discussion with his or her attorney.

M. Telephonic, video or other hearings required to be public must be recorded, with the recording preserved for the record.

### **3 Civil Cases.**

A. All civil jury trials shall be suspended until after April 24, 2020. Trials already in session where a jury has been sworn and social distancing and other public health measures are strictly observed may proceed or, at the discretion of the trial court or agreement of the parties, be continued to a later date. All civil trials set for trial between this date and May 15, 2020, are

continued. The parties are responsible to have a new court date set. The court may conduct some bench trials prior to May 15, 2020, upon specific motion and a showing of necessity.

B. All non-emergency civil matters shall be continued until after April 24, 2020, except those motions, actions on agreed orders, conferences or other proceedings that can appropriately be conducted by telephone, video or other means that does not require in-person attendance.

C. All emergency matters, including civil protection and restraining order matters, that must be heard before April 24, 2020, must be heard by telephone, video, or other means that does not require in-person attendance, unless impossible. Where 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.

D. The Court finds good cause to extend the time for full hearings on newly-filed temporary protection orders for a period of up to 28 days.

E. The Court shall continue to review *ex parte* any petitions to determine whether a temporary order is warranted.

#### **4 Juvenile Court Cases.**

A. Juvenile court jurisdiction in all pending offender proceedings and in all cases in which an information is filed with the juvenile court prior to April 24, 2020, in which the offender will reach the age of 18 within 120 days of April 24, 2020, shall be extended to the offender's next scheduled juvenile court hearing after April 24, 2020.

B. All Juvenile offender fact-finding hearings are cancelled through April 24, 2020. The Court, based on prior findings referenced above, suspends the juvenile court rules applicable to time for hearing and time for arraignment until further notice.

C. In Dependency cases, Shelter Care Hearings shall be held as required by RCW 13.34. Parties shall attend by telephone. All Dependency Fact-finding hearings and non-emergency hearings shall be continued to after April 24, 2020. Any emergency matters shall be held by telephone or similar alternative.

D. CHINS and At Risk Youth hearings shall be held by telephone or similar alternative, 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.

### **5 Involuntary Treatment Hearings.**

Involuntary Treatment Act hearings shall be held pursuant to current protocols, except that parties shall appear by telephone or similar alternative unless it is impossible to do so. 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.

### **6 Settlement Conferences.**

All settlement conferences shall be conducted by telephone.

### **7 Child Support Review Hearings.**

Friday afternoon child support review hearings shall be heard as noted or re-noted by the Prosecuting Attorney's office. All hearings shall be conducted by telephone or similar alternative until after April 24, 2020.

### **8 Filing of Documents.**

Whenever practicable, documents should be filed with the Court by mail, fax or online. Filing at the Courthouse will be done via a drop box to be located in the back-parking lot, or in

open court. The Superior Court Clerk and Superior Court Administrator should be contacted by phone or email for details.

## **9 Miscellaneous Provisions.**

A. Court Call. On all cases where persons appear by telephone, the Superior Court Administrator will request Court Call to waive fees, which may or may not be granted by Court Call, and will assist the parties with information. However, the parties are responsible for actually setting up the telephone appearance through Court Call. If for some reason the Court permits telephone appearances other than by Court Call, contact telephone numbers shall be provided to the Superior Court Administrator by email well ahead of the applicable hearing. The Court Administrator will reply with the necessary conference call number and access code or other information necessary for the hearing.

B. Location of Clients and Counsel. Whenever practicable, to appear remotely by telephone attorneys and their clients should appear from the same site, exercising appropriate social distancing.

C. Encouragement for Agreed Orders. In all cases parties are strongly encouraged to enter orders by agreed order prepared and submitted to the Court in advance off-record to minimize the number of people appearing in the courtroom.

D. Encouragement to Limit Motions. In all cases, parties are strongly encouraged to limit motions when possible and to file only motions regarding emergent issues.

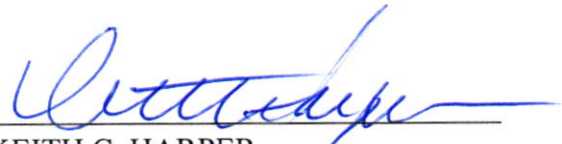
E. Waiver or Alteration by the Court of this Order.

The provisions of this Order may be waived or altered by the Court as determined in the interest of the efficient administration of justice on a case-by-case basis.

F. Review of this Order Prior to April 24, 2020. This Order shall be reviewed prior to April 24, 2020, in light of the public health emergency as it may then exist.

**10 Supersedes and Replaces Administrative Order No. 2020-02.** This Order supersedes and replaces this Court's Administrative Order No. 2020-02 entered on March 18, 2020.

DATED March 24, 2020.

  
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KEITH C. HARPER  
Superior Court Judge