

IN THE KING COUNTY DISTRICT COURT
FOR THE STATE OF WASHINGTON AND THE CITIES OF AUBURN, BEAUX ARTS,
BELLEVUE, BURIEN, CARNATION, COVINGTON, DUVALL, KENMORE, REDMOND,
SAMMAMISH, SHORELINE, SKYKOMISH AND VASHON ISLAND

IN THE MATTER OF THE EMERGENCY)
RESPONSE TO THE THREAT TO PUBLIC) EMERGENCY
HEALTH.) ADMINISTRATIVE ORDER
)
) NO. 7-2020
)

This matter comes before the Court on the public health emergency in King County:

WHEREAS, on February 29, 2020, Washington State Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the spread of the novel coronavirus (COVID – 19); and, on March 13, 2020, President Trump declared a national emergency due to the novel coronavirus (COVID-19) outbreak across the United States; and,

WHEREAS, the novel coronavirus is highly contagious with no known treatments or vaccine available, and in response, federal, state, and local governments have enacted unprecedented restrictions on the movement and gathering of the population; and,

WHEREAS, in response to the COVID-19 pandemic, the U.S. Centers for Disease Control and Prevention (CDC) and the Washington State Department of Health have recommended strict social distancing measures of at least six feet between people, the wearing of face masks, and encouraged vulnerable individuals to stay at home to mitigate the spread of the virus; and,

WHEREAS, consistent with these recommendations, Governor Inslee has taken statewide emergency actions to mitigate the spread of the virus, and many restrictions on movement, social gatherings, and business operations remain in place; and,

WHEREAS, Chief Justice Debra Stephens of the Washington State Supreme Court has adopted several Emergency Orders granting authority upon all Washington courts to adopt, modify, and/or suspend court rules and orders, and to schedule hearings and take further action, as warranted, to address the public health threat

posed by COVID-19 in a manner consistent with all CDC and public health guidelines to safely continue court operations; and,

WHEREAS, courts are an independent and essential branch of government integral to a functioning democracy and provide for the orderly and lawful resolution of disputes, and play an essential role in maintaining public safety and in protecting and ensuring the equal and unbiased application of the law and adherence to the State and Federal Constitutions; and,

WHEREAS, the novel coronavirus presents a significant danger to the public at large and constitutes an unavoidable and unforeseen circumstance beyond the control of the court or the parties that appear before the court; and,

WHEREAS, King County District Court is committed to the fair and equal treatment of all persons and to following principles of equity and social justice to ensure due process and equal access, free of economic or procedural barriers, for all persons, regardless of their circumstances; and,

WHEREAS, during this public health emergency, the health and welfare of all individuals must be considered in the continued operations of courts, and the following of public health and CDC guidelines are critical to providing a safe environment for all who enter or work in courthouse facilities; and,

WHEREAS, providing for alternatives to in-person court appearances whenever appropriate, and reducing the number of people who come into the courthouse, is necessary to reduce the spread of the virus and protect persons who are deemed to be particularly vulnerable to COVID-19; and,

WHEREAS, the King County District Court is a high volume court that handles more than 100,000 cases per year in multiple courthouse locations where it is not possible to adequately follow public health guidelines regarding cleaning and social distancing without modifications to court operations and facilities, therefore, King County District Court must modify its court operations in order to meet the directives of the Washington State Supreme Court, the governor, and public health officials;

NOW, THEREFORE, it is hereby ORDERED:

1. The King County District Court's previously issued Emergency Administrative Orders remain in effect, except where superseded by this Order.

Health and Safety

2. All persons must wear masks or other appropriate facial covering of the mouth and nose when entering or remaining in a King County District Court location unless they have a precluding condition in accordance with the public health guidelines. All persons shall strictly adhere to all directions and markings to ensure social distancing. All persons who enter any district court courtroom must maintain six (6) feet of distance between themselves and anyone who is not a member of their household. The number of persons allowed into a courtroom at any one time shall be limited. The courtrooms are marked to indicate allowable seating and places to stand when moving about the courtroom. Anyone, including attorneys, failing to strictly adhere to the social distancing provisions of this Order may be asked to leave, or will be removed from, the courtroom.
3. Hand sanitizer will be available in every courtroom. Courthouse locations will be cleaned daily, and frequently touched surfaces inside the courtrooms will be wiped down between calendar sessions.
4. Persons who are ill, or caring for persons who are ill, should remain home. If signs of illness are detected, you may be refused entry or be asked to leave. Call the court at 206-205-9200 to reschedule your court date. Persons who have been deemed particularly vulnerable to the novel coronavirus, should also consider whether it is safe for them to enter a public courthouse and may call the court to reschedule their court date or to ask about alternative arrangements to in-person appearances. For those persons needing a continuance due to illness or vulnerability, the procedural requirement of filing such a request in writing is hereby suspended until the COVID -19 health emergency ends.

Location and Operation Changes

5. The following King County District Court locations will remain closed to the public: Issaquah, Burien, and Auburn. There will be no court on Vashon Island through at least July 6, 2020. Vashon cases will be heard at the Maleng Regional Justice Center in Kent.
6. All criminal matters for the Cities of Auburn, Burien, and Covington normally scheduled in the Auburn and Burien Courthouses will be heard at the Maleng Regional Justice Center in Kent. Matters for the City of Sammamish and Carnation, normally scheduled in the Issaquah Courthouse, will be heard at the Bellevue Courthouse. All other city criminal matters will be heard in their regularly scheduled locations, as of June 1, 2020.

7. Community Court conducted in the community locations outside of the courthouses is suspended until further order of the court. Until Community Court fully resumes able to fully resume, hearings or check-ins may be conducted by telephone, video, or in-person, at courthouse locations. The Resource Centers remain closed until further notice.
8. King County District Court clerks' offices will be open to the public on a limited basis between 8:30 a.m. and 11:00 a.m., Monday through Friday, at Seattle, Kent Maleng Regional Justice Center, and Bellevue Courthouse locations. Other locations will be open to the public only during scheduled court hearings.
9. All King County District Court courtrooms will be open to the public during scheduled hearings. Spectator space will be limited due to social distancing requirements. Recordings for any proceeding may be requested by email, in writing through the U.S. mail, or in person at any clerk's office location during open public hours. Anyone wishing to address the court regarding conditions of release on any criminal matter, including for matters scheduled in-custody, are strongly encouraged to appear by telephone or video, if available. Please call 206-205-9200 in advance of the hearing for instructions.
10. The King County District Court Call Center (206-205-9200) will continue to operate Monday through Friday from 8:30 a.m. to 4:30 p.m.
11. King County District Court will accept filings not subject to mandatory e-filing until the current health emergency ends by email at KCDCCourtFilings@Kingcounty.gov Motions or Pleadings (except Petitions for Protective Orders) sent to other email addresses will not be processed. When submitting documents for filing by email, each matter must be sent by separate email and indicate King County District Court and the proper courthouse location, or it may be returned to the sender. Case numbers shall be included on each email filing submitted or it will be returned to the sender. Multiple pleadings attached to a single email submission will be rejected and returned to the sender for proper resubmission. Filing by email is strongly encouraged.
12. King County District Court anticipates having a fully implemented videoconference system on or before July 1, 2020. Once available, out-of-custody and civil hearings may be conducted by video, when appropriate. King County District Court is committed to providing access to all persons regardless of their circumstances. Defendants or parties not having access to video or telephone may appear in person. Persons who do not have access, but who are unable to attend due to being ill or COVID vulnerable, should contact their attorney or the court at 206-205-9200, to request a continuance.

13. King County District Court is committed to providing a courthouse and courtroom environment that meets public health guidelines. Therefore, hearings that typically require in-person appearances, may, whenever possible and appropriate, be held by video or telephone. Court hearings will be open to the public and all persons who are unable to appear by remote means may appear in person so long as all health guidelines and requirements are followed. King County District court will schedule certain hearing types for in-person court proceedings when required in the administration of justice, but committed to providing alternative means to appear, if appropriate, for all persons unable to attend court due to illness, caring for someone who is ill, COVID-19 vulnerable, or for other reasons as authorized by the court.

14. King County District Court adopts the electronic signature and alternative notification provisions set forth in the Washington State Supreme Court's May 29, 2020 Revised Order 25700-B-626.

Criminal Proceedings

In-Custody

15. All in-custody matters, excluding testimonial motions and trials, will be heard via video, except for matters scheduled in Rm. GB of the Regional Justice Center in Kent. Matters scheduled to be heard at the King County Correctional Facility in downtown Seattle will be conducted via video from King County Jail Courtroom No.1 to Rm E338 of the Seattle King County Courthouse. The spectator galleries for both courtrooms will be open to the public during scheduled hearings. All SCORE in-custody proceedings will be broadcast to open courtrooms at the locations indicated above in Paragraph 6.

16. Defendants exhibiting signs of illness shall not be transported to any King County District Court location at any time.

Out-of-Custody

17. Out-of-Custody criminal matters will resume beginning on June 1, 2020, and may be held by telephone or video, when appropriate and available, or in-person with strict adherence to social distancing and other public health precautions.

18. Hearings involving a critical stage of a criminal proceeding, such as arraignments and sentencings, or other matters as required in the interests of justice, shall be scheduled for all parties to appear in person, unless other arrangements are authorized in advance of the hearing. The number of hearings scheduled during any court session will be limited to allow for strict adherence to social distancing. Parties requiring special accommodations must seek approval from the court prior to the scheduled hearing date.

Requests by attorneys for special accommodations should be made in writing, and properly filed, with a reason set forth in support of the request, no less than two (2) business days prior to the scheduled hearing. Defendants representing themselves may make the request in writing or call the court at 206-205-9200 at least two (2) business days prior to the scheduled hearing date.

19. Arraignments involving charges of impaired driving, physical control of a vehicle while impaired, domestic violence, or matters involving allegations of physical violence or threats of violence, will be scheduled as in-person appearances for all parties, absent exceptional circumstances and prior approval of the court. A waiver of arraignment may be filled, unless prohibited by statute or court rule.

20. Dispositions will be scheduled for in-person appearances for all parties. The court will consider video appearances, if available and appropriate for all parties. Such requests must be made in the same manner as outlined in Paragraph 18.

21. Reviews for probation matters and testimonial motions, will not be scheduled until after July 6, 2020, unless deemed to be emergent.

22. The number of hearings scheduled during any court session will be limited to allow for strict adherence to social distancing. All hearings must be conducted in a manner that allows for all parties to adequately communicate and for a defendant and their attorney to have continual private communications.

23. Pretrial Conferences scheduled or rescheduled for June 1, 2020, or after, may be continued by Agreed Order. If submitted and accepted in advance of the scheduled hearing, the hearing will be struck from the calendar. Defense counsel will be responsible to notify their client of the next hearing date and to let the defendant know that the hearing date is continued. All Agreed Orders will be automatically accepted through July 6, 2020. Pretrial conferences are currently being scheduled as telephone appearances for the defendants. To preserve the quality of the record and to provide for confidential consultation, attorneys are anticipated to appear unless requests for prior alternative arrangements have been granted, or the hearing is continued. Once video is more fully available, all parties may appear by video unless in-person appearance is required in the administration of justice. Parties ready to enter a Disposition may contact the court or file a motion to schedule straight to a Disposition.

24. In-custody and out-of-custody Jury Trials are suspended until at least July 6, 2020, or until such time as is required by good cause and in the administration of justice.

Probation

25. King County Probation appointments shall be conducted by telephone or video, unless otherwise directed by the supervising probation officer, through July 31, 2020. Defendants may receive notice of their probation appointment via mail, email, or phone. Defendants should continue to comply with all conditions of sentence unless it is impossible to do so due to circumstances beyond the control of the defendant. Probationers may attend on-line self-help groups, treatment, DUI victim panels, and Alcohol Information School, as authorized by their probation officer through July 31, 2020.

26. All King County District Court Ordered Commitments for King County Work Crew, King County Electronic Home Monitoring, or CCAP scheduled for report or intake between March 13, 2020, and July 6, 2020, are hereby extended for up to 120 days from the original report or intake date indicated on the Commitment Order. For defendants who were unable to complete their King County Work Crew or CCAP commitment due to the COVID-19 emergency, King County Work Crew and CCAP personnel are hereby authorized to reschedule defendants for completion of the applicable program commitment for up to 90 days following the resumption of operations. Defendants with report dates for jail or other programs not specified herein may Petition the Court for an extension.

CIVIL PROCEEDINGS

Protection Orders

27. New Petitions for Anti-harassment or Stalking Protection Orders or Motions to Modify, Extend, or Recall any type of Protective Order previously issued by a King County District Court will be scheduled at the Bellevue, Kent Maleng Regional Justice Center, or Seattle Courthouse locations until such time as the court is able to open all courthouse locations and resume its full operations. Petitions may be submitted by email at KCDCCorders@kingcounty.gov or in-person during the limited customer service hours provided for in this Order. **Electronic filing is strongly encouraged.** Petition forms and instructions for electronic filing can be found on the King County District Court's website. Interpreter assistance may be requested by calling the clerk at 206-205-9200. All Protective Order Hearings shall be conducted via telephone or video unless it is impracticable to do so. New Petitions for Domestic Violence Protection Orders or Sexual Assault Protection Orders may be filed in King County Superior Court. Effective June 22, 2020, Petitions for Domestic Violence Protection Orders may also be filed and heard at the Bellevue Courthouse location. All Protective Order Hearings shall be conducted via telephone or video, unless it is impossible to do so.

28. Consistent with the May 29, 2020, Order of the Washington State Court and emergency provisions enacted by the Washington State Legislature, alternative service

may be authorized. Personal service remains preferred and is required in certain cases. Alternative service may only be authorized as allowed by the Supreme Court's May 29, 2020, Order. No Order shall issue by default unless the court is satisfied the Respondent has been served with a copy of the Petition, Temporary Order(s), if applicable, and Notice of the hearing date no less than 5 days prior to the scheduled hearing. The burden of proof is on Petitioner to show by a preponderance of the evidence that Respondent was served. Domestic Violence, Sexual Assault, and all other Civil Protective Orders with an Order to Surrender Firearms, shall be served by Law Enforcement. This Order is subject to change as conditions warrant.

e-Court

29. Civil matters subject to mandatory e-filing shall be submitted electronically, EXCEPT that the on-line setting of in-court hearings remains suspended until further Order of the Court. Matters of a time sensitive or emergent nature may be heard if authorized by the court. Motions and Proposed Orders to request an in-court hearing shall be filed through the e-filing portal and the submitting party should then notify the clerk that the Motion has been filed so it can be expedited for Judicial review. If a hearing is authorized, it shall be conducted via video or telephone unless impracticable to do so. Parties shall comply with all emergency Proclamations of the Governor and Legislative Enactments in filing court pleadings and Motions.

30. Due to public health considerations and the need to prioritize criminal cases once jury trials resume, all Civil Jury Trials are suspended until at least September 30, 2020. A settlement conference may be scheduled with the court after July 6, 2020. All conferences will be conducted via videoconference.

Small Claims

31. New Small Claims lawsuits are being accepted for filing; however, hearing dates may be delayed due to courtroom capacity limitations. All parties shall be required to participate in mediation prior to the trial date unless waived by a judge. Mediations may be conducted by telephone or video through the Dispute Resolution Center (DRC) until public health conditions allow for the resumption of courthouse mediations. Small Claims trials shall be conducted via video or telephone whenever possible.

Infractions, Tow Hearings, and False Alarm Citations

32. All Law Enforcement filings of Infractions will be accepted and processed consistent with the temporary suspension of time requirements authorized by the Washington State Supreme Court and King County District Court Administrative Orders.

33. Defendants requesting a hearing on any type of infraction, false alarm citation, or tow impound where the vehicle is not still in impound, will be set out to a date up to 120 days beyond June 1, 2020. Impound hearings for vehicles still in impound will be scheduled for an emergency hearing at the Seattle Courthouse or the Maleng Regional Justice Center. King County District Court will continue to process and review all

Contested, Mitigation, or Deferral requests filed online or submitted by mail. All hearing dates are subject to change, so parties are encouraged to check for updated information prior to coming to court, by either calling 206-205-9200 or checking the King County District Court website. Hearings will be held by telephone or video whenever possible.

Interpreters

34. Interpreters scheduled for a hearing or authorized for a King County Office of Public Defense Interview, except for sign language interpreters, shall appear by telephone or video unless authorized for an in-person appearance by a judge in writing. Except for sign language interpretation, all interpreter jobs posted on the interpreter website shall be for telephone or video appearance only unless specifically scheduled as an in-person assignment. In-person interpretation should not be authorized unless it has been determined on the record or in written findings that no other reasonable alternative is available to prevent material prejudice to a party. If a scheduled assignment is changed to an in-person assignment, the Interpreter Coordinator shall immediately notify the assigned interpreter to allow the interpreter an opportunity to decline the job. Interpreters classified by the CDC as high-risk for COVID-19 are discouraged from accepting in-person assignments. If an interpreter is scheduled to appear in person, 6-foot social distancing and all other CDC guidelines shall be followed except for the wearing of a face masks if it would interfere with the ability to interpret the proceedings. This provision remains in effect until further Order of the Court.

Search Warrants

35. King County District Court will continue its After Hours Search Warrant procedures. Law enforcement may call the court at 206-205-9200, Monday through Friday between the hours of 8:30 and 4:30, for electronic judicial review of search warrants. Law Enforcement should continue to file search warrant returns via email at KCDCSearchWarrants@kingcounty.gov.

Passports

36. Passport services are suspended until such time as it is safe for the court to resume normal operations.

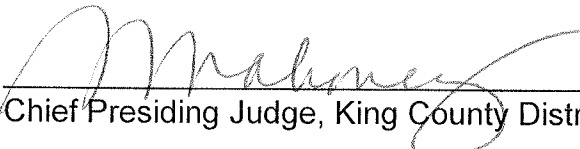
Other Provisions

37. Consistent with the Washington Supreme Court's Emergency Orders and the Governor's COVID-19 related Proclamations, all hearings, matters, and new cases currently pending or filed between March 18 and July 6, 2020, that are delayed as a result of this or any prior King County District Court Emergency Administrative Order, are made for good cause in light of the ongoing health crisis and shall be excluded periods for purposes of Speedy Trial, CrRLJ 3.3, CrRLJ 4.1, IRLJ 2.2, IRLJ 2.4, IRLJ 2.6, and any other applicable court rule, Order of the Washington State Supreme Court, or applicable Proclamation of the Governor.

It is Further Ordered that all scheduled hearings delayed by this Order shall be rescheduled and notice sent via U.S. mail to the last known address of the necessary parties, unless otherwise provided for in this Order. Any party needing to update their mailing address should contact the court clerk at 206-205-9200.

This order may be modified consistent with the court's continual assessment of the needs of the community as well as the recommendations of public health officials.

DATED this 31st day of May, 2020.



Chief Presiding Judge, King County District Court