

FILED
KING COUNTY WASHINGTON

MAR 13 2020

SUPERIOR COURT CLERK

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7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
8 **IN AND FOR KING COUNTY**

9 IN THE MATTER OF
10 THE RESPONSE BY
11 KING COUNTY SUPERIOR COURT
12 TO THE PUBLIC HEALTH
13 EMERGENCY IN WASHINGTON
14 STATE

NO. 20-0-12050-5

EMERGENCY ORDER #5

REGARDING DEPENDENCY
PROCEEDINGS

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20 This matter comes before the Court on the public health emergency in Washington State.

21 FINDINGS OF FACT BASED UPON THE PUBLIC RECORD

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23 1. On February 29, 2020, Governor Jay Inslee declared a state of emergency due to the
24 public health emergency posed by the coronavirus disease 2019 (COVID-19).
25

1 and infrastructure, and continues coordinating with the DOH in assessing the
2 impacts and long-term effects of the incident on Washington State and its
3 people.

4 **NOW, THEREFORE**, I, Jay Inslee, Governor of the state of
5 Washington, as a result of the above-noted situation, and under Chapters 38.08,
6 38.52 and 43.06 RCW, do hereby proclaim that Proclamations 20-05
7 and 20-06 remain in effect and are amended to impose restrictions on large
8 gatherings in King, Pierce, and Snohomish counties as provided herein, and that
9 a State of Emergency continues to exist in all counties of Washington State. I
10 again direct that the plans and procedures of the *Washington State*
11 *Comprehensive Emergency Management Plan* be implemented throughout state
12 government. State agencies and departments are directed to continue utilizing
13 state resources and doing everything reasonably possible to support
14 implementation of the *Washington State Comprehensive Emergency*
15 *Management Plan* and to assist affected political subdivisions in an effort to
16 respond to and recover from the COVID-19 epidemic. As a result of this event,
17 State to include the National Guard and the State Guard, or such part thereof as
18 may be necessary in the opinion of The Adjutant General to address the
19 circumstances described above, to perform such duties as directed by competent
20 authority of the Washington State Military Department in addressing the
21 outbreak. Additionally, I continue to direct the DOH, the Washington State
22 Military Department Emergency Management Division, and other agencies to
23 identify and provide appropriate personnel for conducting necessary and
24 ongoing incident related assessments.

25 **FURTHERMORE**, based on the above situation and under the
provisions of RCW 43.06.220(1)(b) and RCW 43.06.220(1)(h), to help preserve
and maintain life, health, property or the public peace, I hereby prohibit the
following activities in King, Pierce and Snohomish counties related to social,
spiritual, and recreational gatherings, which restrictions shall remain in effect
until midnight on March 31, 2020, unless extended beyond that date: Gatherings
of 250 people or more for social, spiritual and recreational activities including,
but not limited to, community, civic, public, leisure, faith-based, or sporting
events; parades; concerts; festivals; conventions; fundraisers; and similar
activities. Violators of this of this order may be subject to criminal penalties
pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 11th
day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

3. On March 11, 2020, King County Public Health Local Health Officer, Dr. Duchin
issued the following Order banning groups of smaller than 250 unless certain steps can be taken:

1 LOCAL HEALTH OFFICER ORDER

2 **Whereas** on February 29, 2020, Governor Inslee proclaimed a state of
3 emergency within the State of Washington due to COVID-19;

4 **Whereas** on March 1, 2020, King County Executive Constantine
5 proclaimed a state of emergency within King County due to COVID-19;

6 **Whereas** state law, RCW 70.05.070(2)-(3), requires and empowers the
7 local health officer to take such action as is necessary to maintain health and to
8 control and prevent the spread of any contagious or infectious diseases within the
9 jurisdiction;

10 **Whereas** state regulation, WAC 246-100-036, requires the local health
11 officer, when necessary, to institute disease control and containment control
12 measures, including social distancing measures he or she deems necessary based
13 on his or her professional judgment;

14 **Whereas**, there is evidence of increasing transmission of COVID-19
15 within King County, scientific evidence and national public health guidance
16 support strategies to slow the transmission of COVID-19 and protect vulnerable
17 members of the public from avoidable risk of serious illness or death resulting
18 from exposure to COVID-19;

19 **Whereas**, the age, condition, and health of a significant portion of the
20 population of King County places it at risk for serious health complications,
21 including death, from COVID-19. Although most individuals who contract
22 COVID-19 do not become seriously ill, persons with mild symptoms and
23 asymptomatic persons with COVID-19 may place other vulnerable members of
24 the public at significant risk; whereas a large surge in the number of persons with
25 serious infections can compromise the ability of the regional healthcare system to
deliver necessary healthcare to the public;

Whereas, the implementation of limitations on large gatherings and use of
social distancing decreases the risk of COVID-19 transmission to our most
vulnerable populations, and is especially important for people who are over 60
years old and those with chronic health conditions due to the higher risk of severe
illness and death from COVID-19;

Whereas, this Order will reduce the likelihood that many individuals will
be exposed to COVID-19 at a single event, and will thereby slow the spread of
COVID-19 in our community; Whereas, this Order will help preserve critical and
limited healthcare capacity in the County by reducing the spread of COVID-19;

Whereas, this Order is issued in accordance with, and incorporates by
reference, the March 11, 2020 Governor’s Executive Proclamation on COVID-19
Community Mitigation Strategies;

Whereas this Order is issued in light of the existence of 234 cases of
COVID-19 (including 26 deaths) in King County, as of March 11, 2020, and a
significant and increasing number of assumed cases of community transmission

1 and at a time when implementation of largescale social distancing measures is
2 recommended;

3 **Whereas**, social distancing measures can reduce COVID-19 transmission
4 by decreasing the frequency and duration of social contact among persons of all
5 ages, this Order is issued to prevent circumstances often present in mass
6 gatherings that may exacerbate the spread of COVID-19, such as: (a) the increased
7 likelihood that mass gatherings will attract people from a broad geographic area;
8 (b) the a physical environment in which large numbers of people are in close
9 proximity and have multiple opportunities for close contact with one another that
10 facilitates the spread of COVID-19 and; (c) the difficulty in tracing exposure and
11 implementing traditional public health containment measures when large numbers
12 of people attend a single event;

13 **Whereas**, this Order comes after the release of substantial guidance from
14 Public Health—Seattle & King County, the Centers for Disease Control and
15 Prevention, and other public health officials throughout the United States and
16 around the world. The Local Health Officer will continue to assess this quickly
17 evolving situation and may modify or extend this Order, or issue additional
18 Orders, related to COVID-19;

19 **Whereas**, the Local Health Officer hereby finds it is necessary to institute
20 social distancing measures within King County;

21 **Therefore**, as Local Health Officer I ORDER as follows:

- 22 1. All events of 250 people or more, are prohibited.
- 23 2. Events with fewer than 250 attendees are prohibited unless event
24 organizers take the following steps to minimize risk: Older adults and
25 individuals with underlying medical conditions that are at increased risk of serious
COVID-19 are encouraged not to attend (including employees); Social
distancing recommendations must be met (I.e., limit contact of people within 6
feet from each other for 10 minutes or longer); Employees must be screened for
coronavirus symptoms each day and excluded if symptomatic; and Proper hand
hygiene and sanitation must be readily available to all attendees and employees.
3. Environmental cleaning guidelines from the US Centers for Disease
Control and Prevention (CDC) are followed (e.g., clean and disinfect high touch
surfaces daily or more frequently) For the purposes of this Order, an “event” is a
gathering for business, social, or recreational activities including, but not limited
to, community, civic, public, leisure, or sporting events; parades; concerts;
festivals; conventions; fundraisers; and similar activities.

Signed and ordered this day of March 11, 2020, in Seattle, Washington, by

Dr. Jeff Duchin Local Health Officer
Public Health – Seattle & King County

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2 4. On March 12, 2020, Governor Jay Inslee ordered all schools closed in King, Pierce
3 and Snohomish counties until April 24.

4 5. On March 12, 2020, the Seattle Times published a Gates Foundation study cited by
5 both Governor Inslee and Dr. Duchin, *Working paper-model-based estimates of COVID-19 burden*
6 *in King and Snohomish counties through April 7, 2020*, Klein, Hagedorn, Kerr, Hu, Bedford and
7 Famulare; Institute for Disease Modeling; Bill and Melinda Gates Foundation; Fred Hutchinson
8 Cancer Research Institute, March 10, 2020. The conclusions of this study were based upon business
9 as usual; 25, 50, and 75 per cent reduction, from January 15 to April 7. The conclusion of “business
10 as usual” (that is to say, no general orders such as entered by the Governor and Public Health
11 Officer, no banning of large or small groups, no precautions) estimated 25,000 infections and 400
12 deaths by April 7. On the other hand, mitigation efforts such as announced above could reduce the
13 range of deaths by a significant amount.
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15 6. Governor Inslee has explained that the coronavirus doubles the infection rate every
16 five to seven days. Some estimates say that by end of April, the infection rate could be one million,
17 without mitigation.
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20 **CONCLUSIONS OF LAW**

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22 1. On March 4th, 2020, Chief Justice Debra Stephens entered an Emergency Order
23 that states, in part, as follows:

24 **WHEREAS**, during this state of emergency, it may become necessary for
25 courts in these counties to close, relocate, or otherwise significantly modify their
regular operations; and

1 **WHEREAS**, the presiding judges in these counties need sufficient
2 authority to effectively administer their courts in response to this state of
3 emergency, including authority to adopt, modify, and suspend court rules and
4 orders as warranted to address the emergency conditions.

5 **NOW, THEREFORE**, pursuant to the Court's authority to administer
6 justice and to ensure the safety of court personnel, litigants, and the public.

7 **IT IS HEREBY ORDERED THAT:**

8 1. The Presiding Judges of the Washington courts are authorized to
9 adopt, modify, and suspend court rules and orders, and to take further actions
10 concerning court operations, as warranted to address the current public health
11 emergency;

12 2. Each court shall immediately transmit copies of emergency local
13 rules adopted or modified to address the public health emergency to the
14 Administrative Office of the Courts in lieu of the requirements of General Rule 7;

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

19 2. It is necessary to suspend certain rules involving Dependency proceedings
20 involving in-person appearances. This includes rules JuCR 2.1-3.9.

21 3. Any dependency or termination trial already assigned for trial on Monday the 16th
22 will proceed as scheduled, unless the judge hearing the case indicates otherwise.

23 4. All other dependency and termination trials in a standby, pending or upcoming
24 status are continued through April 24th, 2020, with an effective trial continuance date of April 27th,
25 2020.

 5. Case specific trial dates thereafter will be determined by the Lead Dependency
Judge.

 6. The following hearings will be **In Person**

 a. 72 Hour Shelter Care

 7. The following hearings will be **Telephonic Only**

- 1 a. Emergency Motions (immediately critical to child safety and health)
2 b. Disposition Hearing (at the discretion of the Lead Dependency Judge)
3 c. Pretrial Hearings (* Kent will continue to be heard on Monday afternoon)
4 d. TOPs
5 e. Preliminary Hearings

6 8. The following motions will be decided **without oral argument**

- 7 a. 30 Day Shelter Care Hearings
8 b. Motions
9 c. Initial Progress Review
10 d. Permanency Planning Hearing
11 e. Review Hearing

12 **Dependency Mediations and Settlement Conferences are suspended until further
13 notice.**

14 9. This Order is in place until April 24, 2020 and shall be reviewed before the last
15 effective date in light of the public health emergency as it then exists.

16 **It is so Ordered**

17 March 13, 2020

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Hon. Jim Rogers, Presiding Judge
22 King County Superior Court
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