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FILED
KING COUNTY, WASHINGTON

MAR 16 2020

SEA
SUPERIOR COURT CLERK

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

IN THE MATTER OF
THE RESPONSE BY
KING COUNTY SUPERIOR COURT
TO THE PUBLIC HEALTH
EMERGENCY IN WASHINGTON
STATE

NO. 20-0-12050-5

EMERGENCY ORDER NO #6

1. LIMITING MOTIONS AND
COURT APPEARANCES IN
FAMILY LAW MATTERS
2. ADDRESSING FAMILY LAW
OPERATIONS/SERVICES

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

IT IS HEREBY ORDERED that, based upon the findings made in King County Superior Court Emergency Orders #1-5, the authority by Chief Justice Stephens' Order as outlined in King County Superior Court Emergency Orders #2 and #5, and the authority vested in the Presiding Judge for King County Superior Court:

1. It is necessary to suspend or modify certain rules regarding Family Law proceedings. This includes LFLR 5, 6, 8, 13, and 17.

2. Effective March 16, 2020, only motions deemed "mission critical" as defined below may be set or confirmed on the Family Law Motions Calendar. Motions filed prior to March 16, 2020 that are not mission critical and have not yet been confirmed must be stricken or continued to a date after April 24, 2020. The court will strike, deny without prejudice, or not

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1 confirm any motion noted in violation of this order and allow parties to re-note after April 24,
2 2020 (or such time regular operations are resumed).

3 3. **Mission critical matters** are defined as follows:

- 4 • Domestic Violence Protection Orders
- 5 • Return hearings on motions for temporary restraining orders where personal
6 safety is at risk.
- 7 • Motions for temporary orders or adequate cause where child safety is at risk, there
8 is a risk of child abduction, or a party's basic financial survival is at issue (i.e.,
9 ability to maintain housing, basic necessities, and critical health care)
- Return on Warrant hearings
- Writs of Habeas Corpus and returns
- Weapons Surrender Compliance Calendar

10 Mission critical matters will be set and confirmed according to the Local Family Law Rules
11 and heard by phone except that parties in protection order matters may appear in person, and
12 writs and warrant returns will be heard in person. Subject to further directive by the Chief
13 Unified Family Court Judge (Chief UFC Judge), parties to protection order matters are
14 encouraged, but not required, to appear telephonically.
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16 4. **Pending matters:** Motions on the Family Law Motions calendars that were
17 already **confirmed on or before March 13, 2020** will go forward and be heard telephonically
18 unless permission is granted to appear in person. The judicial officer may determine that no oral
19 argument is required and so notify the parties. Parties are encouraged to strike any confirmed
20 hearing that is not mission critical, or to submit an agreed order continuing the hearing to a date
21 after April 24th. Trials by affidavit for the week of March 16th will be conducted by phone unless
22 the judicial officer determines that no oral argument is necessary. Motions for child support
23 adjustment scheduled for the week of March 16, 2020 will be decided without oral argument.
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1 5. Changes to Family Law Operations outlined in the attached Memorandum
2 “Subject: Changes to Family Law Department Procedures-Step Down Plan” are ordered effective
3 immediately. The Chief UFC Judge may make further changes to Family Law Operations,
4 including suspending such operations, as required to adapt to the changing public health situation.

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6 6. Status conferences and pretrial conferences before judges will be conducted
7 telephonically unless the judge directs the parties to appear in person.

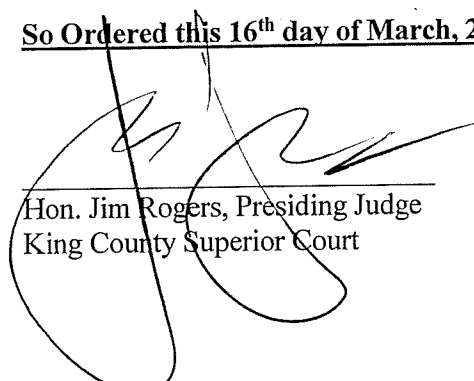
8 7. Motions noted before the assigned judge without oral argument pursuant to LFLR
9 6 can continue to be noted and will be decided as resources permit.

10 8. Motions for revision and mission critical matters defined in section 3 noted before
11 judges will be set and decided according to the Local Family Law Rules. In consultation with the
12 parties and counsel, the assigned judge will decide whether non-mission critical motions are
13 heard. All motions will be heard telephonically unless directed otherwise.

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15 9. Trials will take place as determined by the assigned judge and the Chief UFC
16 Judge. Trials will be continued by agreement of the parties or upon request of one party for good
17 cause shown related to COVID-19. The trial judge may authorize videoconference or telephone
18 appearances of witnesses, parties, and counsel as determined to be appropriate.

19 10. This Order is effective until April 24, 2020 and shall be reviewed before then in
20 light of the public health emergency as it then exists.

21 **So Ordered this 16th day of March, 2020.**

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Hon. Jim Rogers, Presiding Judge
King County Superior Court



**KING COUNTY SUPERIOR COURT
Memorandum**

To: Family Law practitioners, Litigants, and Stakeholders
From: Judge Helson (Chief Unified Family Court Judge)
Date: March 10, 2020

Subject: Changes to Family Law Procedures - Step-Down Plan
Effective March 16, 2020, we are at Step 3 of this stepdown plan.

Parties and counsel are encouraged to continue to check the Superior Court website for updated information about this evolving situation. The Family Law web pages have specific information about arranging telephonic appearances.

Almost all hearings will be conducted telephonically. If you are scheduled for an in-person hearing, please consider the following guidance we have received:

- If you are sick with flu-like symptoms, please stay home
- People at higher risk of severe illness should stay home and away from large groups of people as much as possible, including public places with lots of people and larger gatherings where they will be in close contact with others. People at higher risk include:
 - People 60 and older
 - People with underlying health conditions including heart disease, lung disease, or diabetes
 - People who have weakened immune systems
 - People who are pregnant

The Unified Family Court, Family Law Motions and Family Court Operations will be modifying procedures and stepping down as follows:

Step 1: Implemented effective 3/10/20

Family Law Motions

Family Law litigants and attorneys are encouraged to appear by phone if possible; the court will liberally accommodate requests to appear by phone.

Litigants and attorneys are encouraged to limit motions when possible and are encouraged to file only motions regarding emergent issues.

Status Conference/Non-Compliance Calendar

The Family Law Bar has been encouraged to request phone appearances for the SC/NC calendar.

Beginning Friday, March 13, 2020 until further notice, the SC/NC calendar will be conducted via phone and email – parties will be directed to email the designated Status Conference box and staff will respond and determine whether there will be a phone hearing or whether the matter can be addressed on a paper review or via e-mail.

Early Resolution Case Managers (ERCMS) will continue to assist pro se litigants by phone and e-mail and draft orders. ERCMS will be available to assist pro se litigants who appear at the courthouse for the calendar.

Weapons Surrender Calendar

Requests for telephone appearances will be approved absent a compelling reason not to do so.

To the extent it is possible to do so, the calendar will be reviewed in advance and parties will be advised that they do not need to appear if:

- They have filed a Declaration of Non-Surrender and there is no conflicting information regarding firearms; or
- The underlying order has been dismissed/denied;
- They have filed a Proof of Surrender of firearms that appears to match up with the DV Firearms Information provided by the prosecutor's office.

For all calendars where parties appear in person, people will be encouraged to spread out in the courtroom, may be asked to leave and come back at specified times so that fewer people are in the courtroom, and/or may be provided with an opportunity to be called on their cell phone to return to the courtroom.

Family Court Services / Family Court Operations

Family Court Services will continue as normal to maintain case flow but will attempt to have as much as possible take place by phone and e-mail rather than requiring in-person meetings. At the supervisor's discretion and with director approval, hours where the door is opened may be reduced.

Family Court Services will conduct interviews via phone whenever possible. Home visits will be completed only when necessary – prior to completing any home visit, steps will be taken to ensure there is not a health risk to the employee.

We will evaluate whether parent/child observations can be conducted in a way that does not put staff at risk so that we can continue parent/child observations unless a party requests to be excused because of concerns of exposure during transportation.

Adoptions will shift to only telephonic appointments.

Participants who register for the FLO or Parent Seminar will be sent the class materials and asked to return a certificate/declaration that they have read the materials. Staff will file the returned certificates as they currently file the completion certificates. Participants will continue to register to attend the classes on a particular date so that, once normal operations resume, classes can promptly resume in person.

The Family Law Information Center will shift to support a telephonic/email model of assistance. FLIC will be open by appointment only.

ERCMS will assess their ability to perform in person mediations and may work with litigants via phone when possible.

UFC – Judges

Pretrial Conferences will be conducted by phone when possible.

Motions will be decided without oral argument when possible, or with telephone argument.

Trials will be managed by individual judges. Agreed continuances will generally be granted. Witness appearances by phone should be granted liberally. When there are no parties or counsel who are at heightened risk (either of being ill or for serious consequences if they were to get ill), it is anticipated that trials will continue with sensible health precautions taken (i.e., people keeping social distance, washing hands, using sanitizer, wiping down counsel table).

Step 2: To be implemented if the situation worsens but is short of Step 3.

1. All FLIC, ERCM and FCS work will be conducted by phone/e-mail with no in-person contact.
2. All Family Law motions and judge motions that have oral argument requested will be reviewed and the judicial officer will determine whether oral argument is necessary or will be conducted by phone.

Step 3: To be implemented if a pandemic is declared or if there is a significant loss of staffing. **Step 3 is in effect as of 3/16/20.**

Only essential functions will remain, to include:

Mission-Critical Hearings

- Domestic Violence Protection Orders
- Return hearings on motions for temporary restraining orders where personal safety is at risk.
- Motions for temporary orders or adequate cause where child safety is at risk, there is a risk of child abduction, or where a party's basic financial survival is at issue (i.e., the ability to maintain housing, basic necessities, and critical health care)
- Return on Warrant hearings
- Writs of Habeas Corpus and returns
- Weapons Surrender Compliance Calendar

Motions for revision on mission-critical matters and other motions on mission critical matters that are to be noted before assigned judges will be decided. Motions without oral argument, non-mission critical motions, and trials will continue to be heard by assigned judges on an as-able basis.

We acknowledge that COVID-19 is anticipated to impact our community for many months ahead. With this in mind, we continue to assess the future impacts of COVID-19, and the Family Law Department will continue to discuss altering processes aimed to protect the health and safety of everyone at our court facilities.

Thank you,

Judge Janet M. Helson
Chief Unified Family Court Judge

