

FILED
KING COUNTY, WASHINGTON

JUN 08 2020

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 #19 RE:
PUBLIC HEALTH IN KING COUNTY
SUPERIOR COURT COURTHOUSES**

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

Based on the findings in King County Emergency Orders Nos. 1-18 (available at <https://www.kingcounty.gov/courts/superior-court.aspx>), the March 23, 2020 Stay Home-Stay Healthy proclamation of Governor Jay Inslee (<https://bit.ly/2UfHC9M>), the March 13, 2020 Proclamation of President Donald Trump regarding the COVID-19 pandemic (<https://bit.ly/38SiuK7>), Chief Justice Debra Stephens' Orders including the latest Order (<http://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20Orders/Extended%20and%20Revised%20Supreme%20Court%20Order%20042920.pdf>), and based on the Court's need to maintain public health and safety balanced against the Court's core constitutional obligations to the public, and

WHEREAS, King County Public Health has issued several Directives including the May 11, 2020 Directive on the use of facial coverings and King County Executive Dow Constantine has declared a state of emergency on March 1, 2020 due to the COVID crisis;

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-B-618 (Filed April 29, 2020), suspending all civil and criminal jury trials until after July 6, 2020, in

1 addition to granting emergency authority to this Court to adopt, modify, and suspend court rules
2 and to take further actions concerning court operations, as warranted, to address the current state
3 of emergency; and

4 WHEREAS, on March 23, 2020, April 2, 2020, and again on May 1, 2020, the Governor
5 of the State of Washington put in place restrictions on the citizens of the State of Washington
6 due to the declared state of emergency concerning the Coronavirus Disease 2019 (COVID-19)
7 with his Proclamations;

8 WHEREAS, this Court issued its Emergency Orders Nos. 1-18 to respond to the state of
9 emergency and mitigate the effect of COVID-19; and

10 NOW, THEREFORE, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, FOR THE
11 FOLLOWING COURTHOUSE LOCATIONS:

12 King County Courthouse
13 Maleng Regional Justice Center
14 Clark Children and Family Justice Center
15 Harborview Involuntary Treatment Court

- 16 1. "Courthouses" and "courthouse" mean the four locations where King County Superior
17 Court holds hearings and trials, namely the King County Courthouse, the Maleng
18 Regional Justice Center, the Clark Children and Family Justice Center, and the
19 Harborview Involuntary Treatment Court;
- 20 2. "Facial covering" means a covering over the mouth and nose;
- 21 3. Any person who is sick or in quarantine shall not enter the courthouses;
- 22 4. All persons entering a Superior Court courthouse, whether employees or visitors, shall be
232 exempted under paragraph #10 below. Facial coverings will be handed out to those who did not bring one.
5. All persons entering a courtroom shall be required to wear a facial covering unless
exempted under paragraph #10 below. Those who do not wear a facial covering may be

1 excluded from entering a courtroom. Facial coverings will be handed out to those who
2 did not bring one.

3 6. A judicial officer may allow an individual actively participating in a court proceeding to
4 remove their facial coverings, if the judicial officer deems it necessary. The judicial
5 officer may also direct the removal of facial coverings worn by active participants to
6 facilitate clear communication and due process. "Active participant" includes those
7 seated at counsel tables, witnesses, judge, and court staff. Judicial officers shall decide
8 whether witnesses in proceedings giving evidence are exempted from the requirement to
9 wear a facial covering at the time they are testifying. Judicial officers shall decide whether
10 jurors answering questions in the voir dire process are exempted from wearing facial
11 coverings when they are being questioned for service as a juror. Jurors are required to
12 wear a facial covering during service as a juror during the trial, including deliberations.

13 7. Pursuant to the May 11 2020 Local Health Officer Directive, issued by Dr. Jeffrey
14 Duchin, the following individuals do not need to wear a facial covering:

- 15 a) Any child aged two years or less;
- 16 b) Any child aged 12 years or less unless parents and caregivers supervise the use of
17 face coverings by children to avoid misuse;
- 18 c) Any individual who has a physical disability that prevents easily wearing or
19 removing a face covering;
- 20 d) Any individual who is deaf and uses facial and mouth movements as part of
21 communication or an individual who is communicating with a person who is deaf
22 and uses facial and mouth movements as part of communication;
- 23 e) Any individual who has been advised by a medical professional that wearing a
24 face covering may pose a risk to that individual for health-related reasons;
- 25 f) Any individual who has trouble breathing or is unconscious, incapacitated, or
26 otherwise unable to remove the face covering without assistance.

27 8. Staff and visitors are expected to practice good hygiene by washing hands frequently or
28 by using hand sanitizer when hand washing is not practicable;

29 9. Frequently touched surfaces will be routinely cleaned and disinfected;

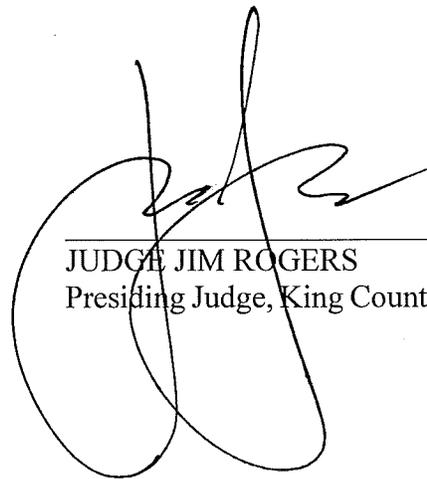
30 10. Social distancing measures of six feet between individuals shall be strictly enforced to the
31 greatest extent practicable in all courtrooms and public areas in the courthouses.
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1 Courtrooms and court administration areas have been equipped with social distancing
2 markers to illustrate appropriate distancing. Each individual courtroom will have a
3 limited capacity due to social distancing.

- 4 11. Judicial officers may ask daily health screening questions of all persons involved in trial
5 proceedings, including whether the trial participant is suffering from any of the published
6 symptoms of COVID-19. King County Superior Court may adopt further restrictions as
7 necessary to respond to the current state of emergency in order to mitigate the effect of
8 COVID-19 and will do so by further court order.

9 **IT IS SO ORDERED.**

10 Dated: June 8, 2020

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13 JUDGE JIM ROGERS
14 Presiding Judge, King County Superior Court