

IN THE LOWER DISTRICT COURT  
FOR THE COUNTY OF KITTITAS

IN THE MATTER OF ) ADMINISTRATIVE ORDER  
EMERGENCY RESPONSE TO A )  
THREAT TO PUBLIC HEALTH ) NO. 2020-04

WHEREAS, there remains a declared state of emergency and additional immediate action by the court is required beyond that which was implemented by Administrative Order No. 2020-01,

AND WHEREAS, Kittitas County has been moved to Phase 3 of the Safe Start Washington plan established by Washington State Governor Jay Inslee's Proclamation 20-25.3

AND WHEREAS, certain terms of previous Administrative Orders by this court are no longer necessary to meet the parties' and community's needs during this public health emergency

NOW, THEREFORE, THE FOLLOWING IS HEREBY ORDERED:

- 1) Administrative Order No. 2020-01 remains in effect except for Sections 2, 3 and 4, which are hereby withdrawn. Continuances will only be granted upon showing of good cause or by agreement of the parties and should be filed by close of business on the day before hearing. Attorneys are required to appear unless a motion for continuance has been granted. Failure of a criminal defendant to appear at a scheduled hearing may result in a warrant being issued for their arrest. The court maintains the suspension of deadlines imposed by the following rules: CrRLJ 3.3 and 4.1, IRLJ 2.2 and 2.6.
- 2) Administrative Order No. 2020-02 remains in effect except for Section 2 and 3, which are hereby withdrawn.

- 3) Administrative Order No. 2020-03 remains in effect except the second sentence in Section 2 pertaining to criminal jury trials, which is withdrawn.
- 4) As long as Kittitas County remains in Phase 3 of the Safe Start Washington plan, the Lower Kittitas County District Court will reopen in the limited manner as described in the attached document: Lower Kittitas County District Court: Phase 3 COVID-19 Reopening Procedures, which is also adopted in this Order. Should Kittitas County be moved back to Phase 2 then this section will be void and Section 2 of Administrative Order 2020-003 will automatically be reinstated in full effect. Should Kittitas County be moved back to Phase 1 then this Order and Administrative Order 2020-03 will be void and only the terms of Administrative Order Nos. 2020-01 and 2020-02 will be in effect.
- 5) The Emergency Local Rule dated 4/20/2020 pertaining to physical access to the courthouse and/or courtrooms remains in place.
- 6) Case-by-case exceptions may be ordered at the discretion of the Court after consultation with the parties involved.
- 7) This Order does not affect the Court's consideration of any matter that can be resolved without a hearing and parties are encouraged to do so when possible.
- 8) The above takes effect immediately and remains in place until further notice.

Lower Kittitas County District Court remains open and is available by email, telephone or fax. Mail will be received and processed usually by the next business day after receipt. The front window is available when court is in session to receive payments. Both criminal and civil intake desks remain open for filings.

DATED this 26<sup>th</sup> day of June, 2020.

  
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Presiding Judge  
Paul R. Sander  
Lower Kittitas County District Court

**Lower Kittitas County District Court:**  
**Phase 3 COVID-19 Reopening Procedures**

Regular criminal pretrial & probation violation calendars will continue as in Phase 2

Midday calendar will continue as in Phase 2

Contested PV or 3.5/3.6 calendar will continue as in Phase 2

Protection Order calendar will continue as in Phase 2

Contested Infraction hearings with attorneys continue as in Phase 2 except notice 2 days prior

Criminal trials may resume following public health safety protocols that also satisfy due process

Monday arraignment calendar will resume with modified schedule ^

Civil calendar will resume with modified schedule ~

In person pro se contested infractions hearings will resume w/ modified schedule \*

No in person mitigation infraction hearings unless special set.

Health & Safety protocol

No one should enter the courthouse or courtroom if they are ill or have been diagnosed with an illness, regardless of having symptoms. The only people allowed in the courtroom will be:

- Parties whose case is being heard at that scheduled time
- Supporters of parties and/or victim (no more than 4 & must all be same household)
- Members of public (to be determined by available seats & if all same household)
- Attorney for the next scheduled hearing

Everyone in the courtroom must comply with existing state or local orders as it pertains to wearing face coverings and maintaining social distance, except that when speaking on the record parties may remove their face coverings when seated where a physical barrier is in place. Gallery seating is limited and reserved for victims and their supporters, defendant supporters, and members of the public wishing to observe. Only members of the same family unit should sit next to each other. Audio will be livestreamed with a link provided on the court's website during the hearing. People waiting for court should only be in the hallway if, 1) their hearing is scheduled within the next hour and, 2) they are wearing a cloth mask or similar covering and maintain 6 feet social distance of others.

Failure to comply with these Health and Safety Protocols may result in a party's case being continued to a future date and persons being directed to leave the courthouse.

^ Monday arraignment calendar will be split into an 8:30 a.m. calendar (for cases directly filed by citation) and 9:30 a.m. calendar (for cases filed by prosecutor and for cases requiring pretrial conditions in which an attorney files a notice of appearance). Only 5 defendants at a time will be allowed in the courtroom in order to maintain proper social distancing, with the rest remaining in the hallway with proper social distancing or outside the building. Pro se defendants will be given an opportunity to complete applications for court appointed attorney while they wait.

~ Civil hearings will be assigned specific times by the clerk and grouped by case type. Name changes will be set at 8:30 a.m. and limited to 5 cases per calendar. Small claims first hearings will be set for 9:00 a.m. and limited to 5 cases per calendar. Other civil cases will be set beginning at 9:30 a.m. and on calendars 15 minutes apart with a limit of 5 cases per calendar. No hearings will be set after 10:15 a.m. Small claims trials are held monthly and will be set at 9:00 a.m. and 10:00 a.m., if necessary. Small claims trials will be completed approximately 5 minutes before the next hearing is scheduled to allow time for parties to exit, the next hearing's parties to sanitize table(s) and get ready. Any exhibits must be marked prior to commencement of hearing.

\* In person pro se contested infractions hearings will be assigned specific times starting at 2:30 by the clerk **IF AND ONLY IF** the pro se defendant indicates to the court by phone or email by noon of the preceding business day that the case is proceeding in person instead of by writing. Any exhibits must be marked prior to commencement of the hearing. Hearings will be completed approximately 5 minutes before the next hearing is scheduled to allow time for parties to exit, table(s) to be sanitized and the next hearing's parties to get ready. No hearings will be set after 4:30. Once set hearings are completed, remaining cases will be called and reset. No in person mitigation infraction hearings unless special set.