

FILED

APR 15 2020

Klickitat County Clerk

SUPERIOR COURT OF WASHINGTON
IN AND FOR KICKITAT/SKAMANIA COUNTY

IN RE THE KICKITAT/SKAMANIA
COUNTY SUPERIOR AND THE
PANDEMIC OUTBREAK OF THE NOVEL
CORONAVIRUS DISEASE (COVID-19)

Case No.: 20-2-00001-20

REVISED AND EXTENDED
EMERGENCY ADMINISTRATIVE
ORDER

The actions set forth herein will take effect immediately and will remain in effect until May 26, 2020 or until further order of the Court, unless otherwise state herein. If a date is stated herein, the stated date may be extended by further Court Order.

A. On February 29, 2020, Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the coronavirus 2019 (hereinafter "Covid-19").

B. On March 4, 2020, Washington Supreme Court Justice Debra Stephens entered Order No. 25700-B-602, in response to the declared public health emergency in Washington State, allowing trial courts to modify their regular operations; and including the authority to adopt,

1 modify, and suspend court rules and orders as warranted to address
2 these emergency conditions.

3 C. On March 13, 2020, Governor Inslee ordered all K-12 public and
4 private schools in Washington State to close by no later than March
5 17, 2020. Subsequently all schools have been closed for the
6 remainder of the calendar school year.

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8 D. On March 13, 2020, President Trump declared a national emergency
9 in the United States of America related to the COVID-19 outbreak.

10 E. *Local* county and municipal operations have entered declarations of
11 emergency for Klickitat County, Skamania County, City of Goldendale,
12 City of Bingen, City of White Salmon, City of Stevenson and City of
13 North Bonneville.

14 F. On March 20, 2020, Washington Supreme Court Justice Debra
15 Stephens entered amended Order No. 25700-B-607 providing
16 additional direction to the Courts of Washington State to address the
17 emergency created by the COVID-19 outbreak.

18 G. During this state of emergency, the Centers for Disease Control and
19 Prevention and the Washington State Department of Health have
20 recommended increasingly stringent social distancing measures of at
21 least 6 feet between people and encouraged vulnerable individuals to
22 avoid public spaces.
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- 1 H. On March 23, 2020, Governor Jay Inslee issued a "stay at home" order
2 requiring individuals not to leave their residences other than for essential
3 services. The order currently is effective through May 4, 2020.
- 4 I. On April 13, 2020, Washington Supreme Court Justice Debra
5 Stephens entered revised and extended Order No. 25700-B-615
6 providing additional direction to the Courts of Washington State to
7 address the emergency created by the COVID-19 outbreak.
- 8 J. As of April 13, 2020, the Washington State Department of Health
9 reported a total of 10,538 confirmed cases of COVID-19 with 516
10 deaths in Washington State. As of April 13, 2020, Klickitat County has
11 fourteen (14) confirmed cases of COVID-19 with one (1) death and
12 Skamania County has three (3) confirmed case of COVID-19. Our
13 neighboring county to the west, Clark County, has two hundred twenty
14 one (221) confirmed cases of COVID-19 and fourteen (14) deaths
15 related to COVID-19. However, as reported by the Washington State
16 Department of Health: Public health experts agree that the true number
17 of people who have been infected with COVID-19 in Washington
18 greatly exceeds the number of COVID-19 infections that have been
19 laboratory confirmed.
- 20 K. Klickitat County and Skamania County constitutes one judicial district
21 with one elected Superior Court Judge.
- 22 L. Pursuant to Chief Justice Stephen's March 4th and 18th order, many
23 Washington courts have instituted emergency procedures such as
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1 cancelling jury panels, limiting court hearings, or instituting "social
2 distancing" in the courtroom, amongst other safety related measures.
3 Given the significant number of identified and projected COVID-19 cases
4 in Washington State, the severity of the risk posed to the public, court
5 personnel and litigants, and the child care needs of potential jurors,
6 witnesses, and other parties, and based upon the consistent and urgent
7 advice of all public health experts that proactive "social distancing" and
8 limiting public gatherings is essential to address the emergent healthcare
9 concerns brought on by the COVID-19 outbreak:
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11 Pursuant to the authority of Washington State Supreme Court Order
12 No. 25700-B-602, as amended in Washington State Supreme Court Order
13 No. 25700-B-607, and revised and extended in Washington State
14 Supreme Court Order No. 25700-B-615 and the authority as the Presiding
15 Judge of both the Klickitat County and Skamania County Superior Courts:
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17 It is hereby ORDERED:

18 GENERAL ORDERS:

- 19 1. The previously issued emergency administrative order entered on
20 March 18, 2020 and supplemental emergency administrative order
21 entered on March 25, 2020 are hereby extended until May 26, 2020.
- 22 2. Digital signatures as authorized under GR 30 shall continue to be
23 accepted as ordered by this court in its original emergency
24 administrative order of March 18, 2020. All court filings may be
25 electronically signed pursuant to the requirements of GR 30(d)(2).

1 Electronic signatures filed in compliance with GR 30(d)(2) shall bind
2 the signer and function as the signer's signature for any purpose,
3 including CR 11. GR(d)(3).

- 4 3. All court hearing dates addressed by this court's emergency
5 administrative orders, supplemental emergency administrative order,
6 and revised and extended emergency administrative order shall be
7 reset to the corresponding date addressed by these orders and no
8 further notes for the corresponding court date need to be filed by the
9 parties if date is specified.

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11 CRIMINAL CASES:

- 12 4. All criminal jury trials are suspended until after May 26, 2020.
- 13 a. Jury trials in Klickitat County Superior Court currently scheduled
14 for May 20, 2020 shall be continued until June 17, 2020. Jury
15 trials scheduled for May 20, 2020 will be set for a status
16 conference hearing on June 1, 2020 at 10:00 AM, final review
17 hearing on June 15, 2020 at 9:00 AM and jury trial scheduled for
18 June 17, 2020 at 8:15 AM.
- 19 b. Jury trials in Skamania County Superior Court for May 11, 2020
20 shall be continued until June 8, 2020. Jury trials scheduled for
21 May 11, 2020 shall be set for a status conference on May 28,
22 2020 at 11:00 AM and jury trial scheduled for June 8, 2020 at
23 8:15 AM.
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1 c. Juvenile fact-findings scheduled in Klickitat County Superior
2 Court – Juvenile Division shall be continued until June 11, 2020
3 at 1:30 PM. A review hearing/status conference shall be set for
4 May 28, 2020 at 1:30 PM.

5 d. Juvenile fact-findings scheduled in Skamania County Superior
6 Court – Juvenile Division shall be continued until June 10, 2020
7 at 1:30 PM.

- 8 • Due to the reduced ability to obtain an adequate cross section of
9 attentive and focused jurors, the state limitations of gatherings of
10 more than 50 people, the requirements of social distancing of at
11 least 6 feet, limitations on vulnerable adults avoiding public spaces,
12 and the effect of the public health recommendations on the likely
13 availability of witnesses, court personnel, and trial counsel to be
14 effectively present in the courtroom, the time period of
15 continuances by this Emergency Order will be excluded in
16 computing time for trial pursuant to CrR 3.3(e)(3), CrR 3.3(f)(2),
17 JuCR 7.8(e)(3), JuCR (f)(2) and related local court rules. The court
18 further finds that the ends of justice served by continuing these
19 cases outweighs the defendant's right to a speedy trial. The court
20 further finds that any delays for time for trial are result of
21 unavoidable and unforeseen circumstances and, therefore, are
22 excluded from computing time for trial by CrR 3.3(e)(8) and JuCR
23 7.8(e)(7).
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- Furthermore, the court suspends CrR 3.3 and JuCR 7.9 regarding time for trial and CrR 3.4 and related local court rules requiring the presence of the defendant, effective through May 26, 2020.

5. Other hearings may be scheduled as needed upon agreement of the parties and approval from the court administrator. Priority will be given for (i) pretrial release and bail modification hearings; and (ii) plea hearings. Parties are not required to file motions to shorten time in scheduling any of these matters and will be scheduled through the appropriate court administrator.
6. All other Klickitat County non-trial court hearings scheduled between today's date and May 26, 2020 shall be scheduled for a review hearing on June 1, 2020 at 9:00 AM, unless set per #5 supra.
7. All other Skamania County non-trial court hearings scheduled between today's date and May 26, 2020 shall be scheduled for a review hearing on May 28, 2020, unless set per #5 supra.
8. Arraignments on all cases filed between March 18, 2020 and May 26, 2020 shall be deferred until a date up to 45 days after the filing of charges. Good cause exists under CrR 4.1, CrRLJ 4.1 and JuCR 7.6 to extend the arraignment dates. The new arraignment date shall be considered the "initial commencement date" for purposes of establishing the time for trial under CrR 3.3(c)(1), CrRLJ 3.3(c)(1) and JuCR 7.8(c)(1).

1 9. Juvenile court jurisdiction in all offender proceedings pending prior to
2 May 26, 2020 shall be extended until offender's next scheduled court
3 date after May 26, 2020.

4 CIVIL AND MISCELLANEOUS MATTERS:

5 10. All civil bench trials scheduled between March 18, 2020 and May 26,
6 2020 are stricken and will be reset by the court administrator of the
7 respective court.

8 11. All civil motion dockets scheduled between March 18, 2020 and May
9 26, 2020 are stricken and matters will need to be re-noted by the party
10 originally requesting the hearing.

11 12. All dependency fact-findings and termination of parental rights trials
12 scheduled between March 18, 2020 and May 26, 2020 are hereby
13 continued until date set by court administrator following May 26, 2020.
14 The court hereby finds good cause exists for the continuance of these
15 trials.

16 13. Dependency review hearings scheduled between March 18, 2020 and
17 April 24, 2020 are continued until the next dependency review hearing
18 date in May 2020. Dependency review hearings will be held
19 telephonically on the scheduled review hearing date.

20 14. All truancy, at-risk youth and child in need of services hearings
21 scheduled between March 18, 2020 and May 26, 2020 are continued
22 until the earliest non-offender juvenile docket following May 26, 2020.
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1 15. All financial review hearings scheduled between March 18, 2020 and
2 May 26, 2020 are continued until a financial review docket following
3 May 26, 2020.

4 16. All non-emergent contempt hearings on parenting plan cases and child
5 support cases currently filed or filed prior to May 26, 2020 are hereby
6 continued to a date following May 26, 2020. The court hereby finds
7 that contempt hearings based upon a parent's failure to follow the
8 currently scheduled visitation plan is non-emergent and will need not
9 be scheduled until a date following May 26, 2020. The court will
10 continue to review motions for an order to show cause and to
11 determine if an emergency exists and schedule those emergent
12 hearing accordingly.
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14 17. At the judicial officer's discretion, any temporary domestic violence
15 protection orders, harassment, stalking, sexual assault protection
16 orders, or vulnerable adult protection orders may be issued for more
17 than 14 days in order to schedule a full hearing after May 26, 2020.
18 The court to extent possible will follow the statutory timeframes
19 suspended under Proclamation 20-45 (Apr. 10, 2020).
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21 18. Any necessary civil emergent hearings shall be scheduled only after
22 receiving authorization from the court administrator from the respective
23 court wherein the matter is currently pending. Court administrator shall
24 schedule any approved necessary emergent hearing.
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1 19. Other non-emergent hearings may be scheduled as needed upon
2 agreement of the parties and approval from the court administrator.
3 The hearings shall be telephonic only.

4 20. Beginning March 18, 2020, the court will hold all hearings
5 telephonically in Klickitat County Superior Court, unless alternative
6 arrangements are approved by and made through the court
7 administrator for Klickitat County. Telephonic appearances and
8 participation will liberally be allowed for all hearings conducted in
9 Skamania County Superior Court.

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11 a. Litigants and/or attorneys will email telephonic request to
12 court administrator of the respective court. Klickitat County
13 telephonic requests shall be made by emailing to either
14 johnfv@klickitatcounty.org or maryh@klickitatcounty.org or
15 mailing request to Superior Court Administrator, 205 S.
16 Columbus Avenue RM 206, Goldendale WA 98620. Skamania
17 County telephonic requests shall be made by emailing to
18 bell@co.skamania.wa.us or mailing request to Superior Court
19 Administrator, PO Box 790, Stevenson, WA 98648.

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21 21. Any matters not addressed in this emergency order shall proceed in
22 the manner consistent with all State and Local Court rules.

23 DATED this 15th day of April, 2020.

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Randall C. Krog, Presiding Judge of
Klickitat/Skamania County Superior
Courts