IN THE SUPERIOR COURT
FOR THE COUNTY OF SKAGIT

IN THE MATTER OF	)	ADMINISTRATIVE ORDER
	)	
EMERGENCY RESPONSE TO COVID-19 OUTBREAK	)	NO. 20-8-A
	)	

WHEREAS, The Governor of the State of Washington has declared a state of emergency in all counties of Washington due to the public health emergency caused by the Coronavirus Disease 2019 (COVID-19); and

WHEREAS, The Commissioners of Skagit County have also declared a state of emergency in Skagit County due to the same public health concerns; and

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-B-602 granting emergency authority to this Court to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency; and

WHEREAS, The Governor of the State of Washington issued a proclamation adopting a Stay at Home, Stay Safe Order that severely restricted citizen activities and similarly restricted court operations insofar as litigants were not able to enter the courtrooms and the court had to develop new methods and procedures to continue operations; and

WHEREAS, The Supreme Court of the State of Washington has issued various orders suspending certain court operations and limiting other operations to emergent matters and those that can be conducted either telephonically or by video; and

WHEREAS, the Governor has also limited court activity in certain areas including without limitation entry of garnishment orders arising out of consumer debt and residential evictions under the unlawful detainer law; and

WHEREAS, the Governor has allowed the Stay Home, Stay Healthy order to expire but has entered in its place the Safe Start Washington plan directing a phased County-by-County reopening of Washington; and

WHEREAS, Skagit County entered Phase Two of the Safe Start Washington plan effective June 5, 2020 which phase will last a minimum of three weeks before entry into Phase Three which will also last a minimum of three weeks; and

WHEREAS, Skagit County Superior Court intends to expand its currently limited operations to the extent feasible in conformity with the aforementioned orders and directives from the Governor and Supreme Court

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. **EFFECTIVE DATE** This Order supersedes all prior Administrative Orders issued by the Court in calendar year 2020 and becomes effective on the date of signing indicated herein below.

2. **EXCLUSION DUE TO ILLNESS** Anyone showing signs of illness or feeling ill SHALL NOT enter the Skagit County Superior Court Courtrooms or Superior Court offices. Further, anyone who is in self-isolation or quarantine due to contact tracing or whose family or household member exhibits symptoms of COVID-19 or has tested positive for COVID-19 within the last fourteen days shall not physically enter the courtrooms or offices of the Superior Court. Appearances through telephone or also video will be available to anyone who is excluded from physically appearing in Court under this exclusion.

3. **JURY TRIALS** Trials by jury will resume after July 6, 2020. Jury trials shall be confirmed by priorities arising from the Constitutions of the United States and the State of Washington as well as pursuant to statutes and court rules.

   Physical Spaces: Skagit County is currently constructing a courtroom that will accommodate the special needs of the Court arising from the current COVID-19 pandemic. Specifically, the courtroom will accommodate social distancing for prospective and seated jurors. Jurors will be provided with face masks or, upon request, face shields. As the Court will only have one courtroom at its disposal that can provide adequate safeguards for jurors, the Court expects to conduct no more than one jury trial at a time until the pandemic is no longer affecting operations.
   Excused Jurors: The jury summons shall contain a notice to jurors that jurors in special risk categories will be excused on request. Any prospective juror who falls into a high-risk category as defined by the Skagit County Health Department or who is a household member of a high-risk individual may be excused for good cause upon request. As of June 8, 2020, high-risk individuals include people: 60 and older; with underlying health conditions including heart disease, lung disease, or diabetes; who have weakened immune systems, and; who are

pregnant. Any jurors summonsed for trials before July 6, 2020 are excused from service.

The parties shall comply with the Jury Trial Protocols and Procedures which shall be published on the Skagit County Superior Court website.

4. **BENCH TRIALS** Trials to the bench will resume effective June 22, 2020.The Court expects that a backlog in cases has been created as a result of the pandemic. The Court will use its best efforts to reduce this backlog bearing in mind that certain case types have priority under the law including but not limited to criminal, involuntary treatment, dependency and juvenile trials/hearings. Bench trials must be confirmed five (5) days before the trial. Until further notice, all bench trials shall be conducted telephonically and by video.

   The parties shall comply with the Bench Trial Protocols and Procedures which shall be published on the Skagit County Superior Court website.

5. **COURT MASKING AND SOCIAL DISTANCING POLICY The** Court takes the health of all court users and community members very seriously. The Judges will do all they can to follow the recommendations of the Centers for Disease Control (CDC), local health officials, and County Risk Management in an effort to provide the safest court facility. To that end, all people entering Skagit County Superior Court courtrooms shall wear a protective mask or face shield and social distance (stay six feet or more from others at all times).

   FACE COVERINGS: People attending court proceedings shall put on their mask or face shield before entering the public areas of the courthouse including, but not limited to, the halls, lobby areas, Courtrooms, conference rooms and any Superior Court public office. Masks and/or face shields must adequately cover the nose and mouth. If they are unable to wear a mask due to medical reasons, court staff will make the reasonable accommodation under the Americans with Disabilities Act (ADA) of providing court users with a face shield that does not obstruct breathing. If someone refuses to wear a mask in the courtroom, the judge and/or court personnel should be advised and the person will be instructed to wait in the lobby or their car until summoned. Their hearing will occur at the end of the docket when all other litigants have left the courtroom or through telephone or video if the parties so elect.

   PHYSICAL DISTANCING: Those attending court proceedings will sit in designated spots and no other location so as to comply with social distance rules. Those persons within the court lobby should stand or sit in such a manner that they are at least six feet from other persons excluding immediate family with

whom they reside. If someone refuses to respect six-foot distancing requirements within the courtroom, the judge and/or court personnel should be advised and the person will be instructed to leave the courtroom and attend the hearing or trial through telephone or video.

6. **COURT CALENDAR/SCHEDULE** As a matter of policy, the Court has previously adhered to a regular calendar scheduling hearings and trials on a weekly basis. The COVID-19 pandemic has caused a major shift in the Court's weekly calendar/schedule. As the Court moves away from the restricted calendars that were a part of the earlier pandemic restrictions, the Court adopts the weekly calendar/schedule attached to this order as Attachment One (1) and by this reference incorporated herein.

7. **TELEPHONIC AND VIDEO HEARINGS** Although not commonly used prior to the pandemic crisis, telephonic and video hearings have seen substantial success. Given the limitation on numbers of people gathered in one place that still exist under Phases Two and Three, the court will continue to employ video and telephonic hearings in many case types and hearings. In all cases where video hearings are held, telephonic participation shall also be available. Where this order calls for a telephonic hearing on a certain case type, the hearing judge may also opt to hold the hearing by video. Court will post a daily docket on its website (https://www.skagitcounty.net/SuperiorCourt/documents/schedule/courtroomschedule.pdf) providing video address/telephonic call in information for every calendar.

8. **TELEPHONIC APPEARANCES** Telephonic appearances shall be allowed in all non-trial matters. Criminal defendants and juvenile respondents shall also be afforded the opportunity to appear telephonically if so requested.

9. **TELEPHONE/VIDEO USE INFORMATION** Attorneys and pro-se litigants are expected to make use of the telephonic/video attendance opportunities. The Court has established conference calling numbers/video addresses that will be used for telephonic/video appearances. Information regarding the telephone number, access code video address and daily court calendar are posted on the court website. Telephonic participants shall follow the protocol for telephone etiquette as posted on the Court's website.

CRIMINAL CASES

10. CRIMINAL MOTIONS

Criminal motions with briefing will be heard Monday mornings at 9:30 a.m. at the Skagit County Criminal Justice Center (SCCJC) courtroom. These hearings will be noted with nine court-days notice, absent special circumstances allowing a special set hearing. This is a mixed calendar for both in-custody and out-of-custody defendants. With respect to out-of-custody defendants, motion hearings will be conducted telephonically unless testimony is required. The parties shall provide advance notice to the Court as to the expected length of the hearing, whether testimony is requested, and how many witnesses other than the Defendant might be called to testify. The moving party shall provide this information in the note for calendar. The responding party, if in disagreement with the moving party's assessments, shall provide their estimates in the responsive briefing. The SCCJC will transport any in-custody defendants to the calendar at or after 10:00 a.m. Criminal motions are capped at ten (10) cases per calendar.

11. OUT-OF-CUSTODY CRIMINAL CASES:

Out-of-Custody Arraignments: Out-of-custody arraignments will be heard on Tuesday mornings at 9:30 a.m. These hearings will be conducted by video conference with telephonic connection available. A cap of 25 hearings with an overbook limit of 35 per session will be observed. If a formal reading of the information will be waived, counsel for the defendant should have discussed the acknowledgement of rights and waiver with the defendant. The Court will accept electronic signatures on the acknowledgment of rights and any associated scheduling and no-contact orders pursuant to the Supreme Court's orders noted above and any replacement thereto.

Out-of-Custody Hearings: Out-of-Custody cases may be set on the Monday afternoon, Thursday, or Friday afternoon criminal calendars held at the SCCJC courtroom. Out-of-custody hearings involving interpreters shall be noted tor Thursdays at 1:30 p.m. for the calendar at the SCCJC courtroom. With the exception of plea and/or sentencing, all out-of-custody hearings will be conducted telephonically. The Court places a cap of five (5) plea and/or sentencing cases per calendar and a cap of five (5) no-contact order modification or dismissal requests per daily calendar.

Out-of-Custody Interpreter Hearings: Other than substantive motion hearings, out-of-custody cases requiring interpreters shall be scheduled for Thursdays at 1:30 p.m. Other than for Spanish interpreters on Thursday afternoons,

interpreter scheduling requests will be handled pursuant to the Court's Language Assistance Plan.

12. **IN CUSTODY CRIMINAL MATTERS** In custody criminal matters will be heard at the times and pursuant to the methods identified in the court calendar/schedule found in paragraph 6 of this order. Parties shall note in-custody matters involving interpreters for Thursdays at 1:30 p.m. All in-custody defendants have the option of appearing telephonically if so requested.

13. **CONTINUANCES IN CRIMINAL CASES** Defense Counsel and the Prosecuting Attorney are urged to work in concert to continue all pre-trial criminal matters that have been scheduled but do not have any ongoing issues that require hearing.

14. **EX PARTE NO CONTACT ORDERS** The Court may enter ex parte no contact orders pursuant to RCW 10.99.040, RCW 10.99.045, RCW 10.14.040, RCW 7.90.150, RCW 9A.46.085, and/or RCW 9A.46.040, when an information, citation, or complaint is filed with the court and the court finds that probable cause is present for a sex offense, domestic violence offense, stalking offense, or harassment offense. Ex parte orders may be served upon the defendant by mail. This provision does not relieve the prosecution of proving a knowing violation of such an ex parte order in any prosecution for violating the order. Good cause exists for the Court to extend ex parte orders beyond the initial period until a hearing can be held

15. **SIGNATURES** The Court finds that obtaining signatures from defendants for orders continuing existing matters places significant burdens on attorneys, particularly those who must enter correctional facilities to obtain signatures in person. Therefore, for all matters covered in Paragraphs six (6) through fourteen (14) defense counsel is not required to obtain signatures from defendants on orders to continue criminal matters until further notice. Defense counsel shall provide notice to defendants of new court dates.

16. **BENCH WARRANTS** Bench warrants may issue for violations of conditions of release. Until further notice, with the exception of arraignment hearings, the Court shall not issue bench warrants for failure to appear in-person for court hearings and pretrial supervision meetings unless necessary for the immediate preservation of public or individual safety. In the case of arraignment hearings, the court will direct the reissuance of a summons where that arraignment date was set through a continuance without the defendant's personal, video or telephonic presence. In cases where the Defendant failed to appear for

arraignment after having been present at the hearing setting that arraignment date, the court may issue a bench warrant. The first of such warrants shall be a book and release warrant.

17. **MOTIONS FOR PRE-TRIAL RELEASE** Motions for bail reduction, release on personal recognizance, and temporary release shall be heard on shortened time if notice has been given to opposing counsel by noon two days before the scheduled hearing.

18. **JUVENILE COURT** Juvenile Court hearings will resume being heard on Thursday afternoons at 1:30 pm. With the exception of pleas, sentencings and probation violation hearings all hearings shall be conducted telephonically and by video. First Appearances after detention will be heard on the Ex Parte calendar following the juvenile's restraint.

CIVIL CASES

19. **CIVIL MOTIONS** This paragraph applies to general civil motion hearings not otherwise addressed in this order.
    Agreed orders on civil matters are decided on the pleadings and submitted on the daily 1:15 p.m. ex parte calendar.
    Non-agreed civil matters will be decided on the pleadings and should be noted for Fridays at 9:30 am. If the Court determines that oral argument is necessary, the Court will advise the parties. All parties on scheduled civil hearings should be prepared for telephonic oral argument on the scheduled hearing date provided they are notified that the court is requesting oral argument.
    Summary Judgment motions shall be conducted telephonically on Thursdays at 9:30 a.m. Argument shall be limited to ten minutes per side.

20. **EX PARTE ORDERS** No matters involving in-person appearances shall be heard on the ex parte calendar. All ex parte hearings shall be conducted telephonically. All ex parte applications shall be filed with the County Clerk's office.

21. **PROTECTION ORDERS**
    Temporary Emergency Orders: Hearings on temporary orders shall take place on the ex parte calendar on the day the Petition is filed or the next Court day as provided by statute. Parties requesting temporary orders shall appear telephonically.
    Subsequent Protection Order Hearings: Hearings on Domestic Violence Protection Orders, Vulnerable Adult Protection Orders, Sexual Assault Protection Orders and Extreme Risk Protection Orders and compliance hearings pertaining

thereto shall be conducted as scheduled pursuant to the schedule found in Paragraph 6 of this Order The Court will liberally grant continuances to effectuate preparation including acquisition of counsel with the provision that any existing temporary order will remain in effect during any period of continuance. These hearings shall be conducted telephonically and by video.

22. **PROPOSED ORDERS** For all calendars, the moving party shall provide the Court with a proposed order in Word format at least two (2) days before the hearing. If the non-moving party wishes to submit a proposed order for consideration, it must be submitted as least two (2) days before the hearing. The Court may strike any matter for which there is no proposed order. All proposed orders shall be emailed to: ProposedOrders@co.skagit.wa.us

23. **LIMITATION ON CIVIL MATTERS** Residential Unlawful Detainer Hearings are suspended until October 15, 2020 with the exception of those cases permitted under Governor Inslee's Proclamation 20-19.3. (https://www.governor.wa.gov/sites/default/files/proclamations/20-19.3%20Coronavirus%20Evictions%20%28tmp%29.pdf?utm_medium=email&utm_source=govdelivery) Any permitted Unlawful Detainer hearings shall be conducted telephonically. Similarly Motions for orders seeking payment on writs of garnishment involving consumer debt will not be heard until further notice. Motions for Judgment on the Pleadings, Default, or Default Judgment will not be heard until June 29, 2020 after which said motions may be noted pursuant to Paragraph 19 of this order. Any motion not in compliance with these limitations will be stricken. Any proposed orders on said matters will be denied without prejudice.

24. **ADOPTIONS, PROBATE AND GUARDIANSHIPS** Agreed adoptions will be heard telephonically and by video at the hearing judge's discretion. Adoptions shall be heard on Friday mornings at 8:45 am. Probate and Guardianship hearings shall be heard telephonically and by video at 9:00 am on Friday mornings.

25. **DOMESTIC RELATIONS/FAMILY LAW** The pro-se (unrepresented litigants) calendar will be heard on Mondays at 9:00 a.m. The calendar for represented litigants will be heard on Fridays at 9:00 a.m. and at 1:30 p.m.

    The 9:00 calendars shall be capped at fifteen (15) cases per calendar with video/telephonic hearings capped at no more than eight (8) per calendar. The 1:30 calendar shall be capped at 10 cases per calendar with video/telephonic hearings capped at no more than five (5) per calendar.

Hearings on these calendars shall be regulated as follows:

A. **CHILD SUPPORT MOTIONS** Motions for modifications and temporary child support orders will be decided on the pleadings unless a judicial officer requests telephonic/video argument. The parties must file a financial declaration and sealed financial records to include the last two (2) years taxes with W-2 and pay stubs together with a declaration regarding issues and requests.

B. **CONTEMPT AND RESTRAINING ORDERS** Hearings on contempt motions and restraining orders will be heard on the Monday and Friday calendars telephonically and by video.

C. **TEMPORARY FAMILY ORDERS AND OTHER MOTIONS** Initial temporary family law motions involving the issues of restraints, use of property, financial, and parenting issues shall be heard with oral argument telephonically and by video. Motions for Adequate Cause and temporary relocations shall be heard with oral argument telephonically and by video.

   All other temporary family law order motions will be decided on the pleadings unless video/telephonic argument is requested by a judicial officer.

D. **ENTRY OF AGREED FINAL ORDERS** Agreed final orders shall be presented ex parte together with parenting class certificates and an affidavit of formal proof/jurisdictional facts.

26. **DEPENDENCY HEARINGS** Dependency hearings will be conducted telephonically and by video in accordance with the schedule found in Paragraph 6 of this order or as otherwise scheduled by the court.

27. **SHELTER CARE** Shelter care hearings shall be heard telephonically and by video according the schedule found in paragraph 6 of this order or as otherwise scheduled by the court.

28. **PRE-ADOPTION** The pre-adoption calendar will be heard telephonically and by video at the time reflected in the schedule contained in paragraph 6 of this Order.

29. **TRUANCY** All truancy matters are suspended until further Order of the Court.

30. **ARY/CHINS** Hearings on ARY/CHINS petitions shall be heard telephonically or by video unless a judicial officer requests the parties to appear in person. Agreed extensions of petitions shall be granted without hearing unless a judicial officer determines that a hearing is required.

31. **COMBINED PATERNITY/CHILD SUPPORT CALENDARS** Child Support hearings, including modifications, will be decided on the pleadings. All other hearings on this calendar will be heard telephonically or by video. The court caps these hearings at 30 per calendar with no more than 10 telephonic/video hearings.

32. **INVOLUNTARY TREATMENT HEARINGS** Hearings under the Involuntary Treatment Act (ITA's) shall be conducted telephonically and by video. The Allegedly Incompetent Person (AIP) shall participate from the facility in which the AIP is located. The AIP's attorney may appear remotely from the facility with their client or from another location. Witnesses shall appear telephonically or by video.

33. **ELECTRONIC FILING** Compliance with GR30(b)(1) and (d)(1) are waived during the period of this administrative order. The Clerk is authorized to accept electronic filing of documents under a policy the Clerk adopts. Service and notice requirements on opposing parties are unaffected.

34. **RESERVATION** The Court reserves the right to modify or cancel any Court calendar upon short notice to accommodate any concerns regarding courtroom crowding and to facilitate reduction in courtroom population.

35. **SUSPENSION OF RULES** This Order modifies or suspends any and all court rules, both Local Court Rules and State Court Rules which are inconsistent with the terms set forth herein.

36. **EFFECTIVE DATE** This Order shall remain in effect until such time as the current Emergency has subsided to the extent that the Court may, in the Presiding Judge's estimation, resume less limited operations.

DATED this 4th day of August, 2020.

David A. Svaren
Presiding Judge

SKAGIT COUNTY SUPERIOR COURT – WEEKLY SCHEDULE

TIME	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:45					Adoptions
9:00	Criminal trial start	Special sets Criminal/Civil Jury Trials start or continue *start time may be 9:30	Special sets Criminal/Civil Jury Trials start or continue *start time may be 9:30	Special sets Criminal/Civil Jury Trials start or continue *start time may be 9:30	Probate/Minor Settlements
9:30	Bench trials Criminal Motions Calendar At SCCJC	Bench trials Criminal Arraignments (out-of-custody)	FF/term/bench trials Juvenile Trials Fact Findings	Bench trials Criminal In Custody at SCCJC Summary Judgment/RALJ	Shelter care Civil Motions and Unlawful Detainer
1:15	Ex parte	Ex parte	Ex parte	Ex parte	Ex parte
1:30	Bench Trials Criminal Calendar and Rightings at SCCJC DV/VAPO/SAPO	Bench Trials Special sets Video Rightings	Bench Trials BLS Drug Court (see schedule) Video Rightings	Criminal In Custody at SCCJC (includes Trial confirmations and matters needing interpreters)	Unlawful Detainer Trials, special set Criminal Calendar and Rightings at SCCJC

				Juvenile Calendar	

Effective June 16, 2020

Criminal Rotation Judge to hear.
Civil Rotation Judge to hear.

Court Commissioner Calendars

Commissioner Heather Shand

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
9:00	Pro Se motions	Dependency	Special set	Special Set	
9:30			Paternity/Family Support	Pre-Adoption 2nd Thursday	Domestic Motion
Noon		Staffing - FTC			
1:15	Ex parte	Ex parte	Ex parte	Ex parte	Ex parte
1:30	At-Risk Youth	Family Treatment Court			Domestic Motions
2:30		Shelter Care			

Commissioner Jim Dolan

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
9:30		Civil-involuntary commitment hearings LRO (least restrictive orders) to be heard off-site or conference room when necessary	Civil-involuntary commitment hearings LRO (least restrictive orders) to be heard off-site or conference room when necessary		Civil-involuntary commitment hearings LRO (least restrictive orders) to be heard off-site or conference room when necessary