

IN THE SUPERIOR COURT OF WASHINGTON
FOR THE COUNTY OF WHATCOM

FILED
COUNTY CLERK

MAR 16 A 8:34

WHATCOM COUNTY
WASHINGTON

IN THE MATTER OF RESPONSE TO PUBLIC)
HEALTH RISK)

BY SECOND
ADMINISTRATIVE ORDER
NO. 20-2-00001-37

WHEREAS, the state and this county are experiencing a rapid increase in the numbers of people showing symptoms of and being diagnosed with the current strain of coronavirus known as COVID-19; and

WHEREAS COVID-19 is known to be highly contagious and easily transmitted in public areas such as courtrooms, and the City of Bellingham has indicated that gatherings of more than ten people should be avoided; and

WHEREAS the Governor of the State of Washington has declared a State of Emergency due to the COVID-19 outbreak; and the Whatcom County Executive has declared a Public Health Emergency due to the COVID-19 outbreak; and

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-B-602 granting this Court emergency authority 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;

NOW, THEREFORE, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY:

A. JURY TRIALS. The Court will conduct no jury trials until April 24, 2020.

B. ADULT CRIMINAL CASES:

1. *Time for Trial and Arraignment suspended*. CrR 3.3 (b) (time for trial) and CrR 4.1 (time for arraignment) are temporarily suspended until further notice.

2. *Signatures on documents*, In lieu of obtaining personal signatures from defendants on documents filed in criminal cases, including pretrial release orders, trial setting orders, or other documents on which a signature is traditionally required (but *not*

including protection orders), attorneys may sign their initials on the signature line intended for the defendant, indicating that they have notified the defendant of the contents of the order.

3. *Trial call calendars (Monday morning 9:00)*. All parties are strongly encouraged to enter orders continuing trial dates that are set before April 24, 2020 by agreed order to minimize the number of people appearing in the courtroom at that time.

4. *Wednesday status/Out of custody plea calendars*. All parties are strongly encouraged to enter orders continuing trial dates by agreed order to minimize the number of people appearing in the courtroom. The court will hear no more than ten guilty pleas per week on the Wednesday calendar. Additional guilty pleas may be scheduled as special sets with the approval of a Judge.

5. *Thursday motions calendar*. The Court will hear only in-custody matters from 8:30-10:00 a.m. Starting at 10:00 a.m., the Court will hear out-of-custody matters. Those attorneys or parties with *only* out-of-custody matters are encouraged not to appear before 10:00 a.m.. Parties are strongly encouraged to avoid unnecessary motions on matters than may be agreed outside of court.

6. *Criminal Trials*. No criminal trials (bench or jury) will be held before April 24, 2020, unless specifically authorized for extraordinary reasons by the assigned Judge.

7. *First Appearances*. First appearances will be held as previously, except that defense attorneys will now appear in the courthouse instead of the jail courtroom, if they choose. If the attorney chooses to appear in the courthouse instead of in the jail courtroom, the attorney must review all anticipated documents with the defendant prior to court.

8. *Arraignments*. All out-of custody arraignments will be re-scheduled for a date after April 24, 2020 by issuance of a summons. All in-custody arraignments will be held as previously, except that defense attorneys may now appear in the courthouse instead of the jail courtroom, if they choose. If the attorney chooses to appear in the courthouse instead of in the jail courtroom, the attorney must review all anticipated documents with the defendant prior to court.

Any other calendars remain unchanged until further notice.

C. JUVENILE CASES.

1. *Time for Adjudicatory Hearing and Arraignment suspended.* JuCr 7.6 (a) and JuCr 7.8 (b) are temporarily suspended until further notice.

2. *Signatures on documents.* In lieu of obtaining personal signatures from juvenile respondents on documents filed in criminal cases, including pretrial release orders, trial setting orders, or other documents on which a signature is traditionally required (but *not including* protection orders), attorneys may sign their initials on the signature line intended for the respondent, indicating that they have notified the respondent of the contents of the order.

3. *Juvenile probation calendar.* All juvenile probation calendars are hereby cancelled until after April 24, 2020. Emergent matters may be heard at the discretion of a judicial officer.

4. *Juvenile status calendar.* All parties are strongly encouraged to enter orders continuing trial dates that are set before April 24, 2020 by agreement in order to minimize the number of people appearing in the courtroom at that time.

5. *Trials.* No juvenile criminal trials will be held before April 24, 2020, unless specifically authorized for extraordinary reasons by the assigned Judge.

6. *Juvenile civil matters (truancy, at risk youth, CHINS).* No juvenile civil matters will be heard before April 24, 2020, unless specifically authorized by a judicial officer for extraordinary reasons. Youth brought into detention shall be immediately released with a promise to appear at a date after April 24, 2020.

7. *Dependency matters.* Shelter care hearings may be scheduled on dependency matters, but no other hearings will be held until after April 24, 2020, unless specifically authorized for extraordinary reasons by a judicial officer.

All other juvenile hearings will proceed without change at this time.

D. DOMESTIC CASES.

1. *Temporary orders.* Only motions pertaining to emergent issues regarding child visitation or primary residency will be heard until April 24, 2020. Determination of the emergent nature of a motion will be made by judicial officers, who have authority to do any of the following:

- a. strike a motion that is not emergent;
- b. continue a motion until after April 24, 2020;

- c. decide the motion on the pleadings;
- d. schedule a hearing in which the parties are instructed to appear telephonically;

or

- e. schedule an in-person hearing.

2. *Trials*. No new trials will begin before April 24, 2020, unless specifically authorized for extraordinary reasons by the assigned Judge.

E. OTHER CASES.

1. *Guardianships*. Parties are encouraged to schedule guardianship hearings after April 24, 2020 if possible. For regular review hearings, parties need only appear in court if the review is contested or if specifically requested to appear by the assigned Judge. A proposed order should be submitted to the court for signature on unopposed motions.

2. *Protection orders*. The court finds good cause to extend the time for a hearing on a protection order to 28 days. Commissioners will continue to review *ex parte* petitions to determine whether a temporary order is warranted. Commissioners will then determine when to schedule a hearing, if necessary, within the 28-day period.

3. *Civil Commitments*. Judicial officers will attend civil commitment hearings from the courthouse, via telephone.

4. *Ex parte orders*. Parties are strongly encouraged to submit *ex parte* orders via the clerk's office, and the Court hereby *waives* the \$30 *ex parte* fee through April 24, 2020.

5. *State Child Support*. This calendar is hereby cancelled through April 24, 2020.

6. *Civil trials*. No jury or bench trials will be heard before April 24, 2020. Any trials set before that date should be noted for trial setting and stricken from the trial calendar.

The Court's regular schedule and procedures will be followed except as specifically provided in this Order.

DATED this 16th day of March, 2020.



Deborra Garrett, Presiding Judge