

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY

IN RE THE MATTER OF)
THE RESPONSE BY SNOHOMISH) NO. 2020-7004-31A
COUNTY SUPERIOR COURT TO THE)
PUBLIC HEALTH EMERGENCY IN) EMERGENCY ORDER #2
SNOHOMISH COUNTY AND THE STATE OF) RE: COURT OPERATIONS
WASHINGTON)
_____)

HEIDI PERCY
COUNTY CLERK
SNOHOMISH CO., WASH.
2020 MAR 16 PM 4:48
FILED

This matter comes before the Court on the public health emergency in Washington State and in Snohomish County. The actions set forth herein will take effect on Tuesday, March 17, 2020 and will remain in effect until further order of the Court, unless otherwise stated herein. If a date is stated herein, the stated date may be extended by further Court Order.

1. On January 31, 2020, the Secretary of Health and Human Services declared a public health emergency under Section 319 of the Public Health Service Act (42 U.S.C. 247d) in response to COVID-19.
2. On February 29, 2020, Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the coronavirus 2019 (COVID-19).
3. Effective March 1, 2020, Donald J. Trump, President of the United States of America, proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency.
4. On March 4, 2020, Snohomish County Executive Dave Somers declared a state of emergency in Snohomish County due to COVID-19.
5. On March 4, 2020, Washington Supreme Court Chief Justice Debra Stephens entered Order No. 25700-B-602, in response to the declared public health emergency in Washington State, that states, in part, as follows:

WHEREAS, during this state of emergency, it may become necessary for courts in these counties to close, relocate or otherwise significantly modify their regular operations; and WHEREAS, the presiding Judges in these counties need sufficient authority to effectively administer their courts in response to this state of emergency,

including to adopt, modify, and suspend court rules and orders as warranted to address the emergency conditions, NOW THEREFORE, pursuant to the Court's authority to administer justice and to ensure the safety of court personnel, litigants and the public, IT IS HEREBY ORDERED THAT:

1. The Presiding Judges of the Washington courts are authorized to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current public health emergency;
 2. Each court shall immediately transmit copies of emergency local rules adopted or modified to address the public health emergency to the Administrative Office of the Courts in lieu of the requirements of General Rule 7;
 3. Each court that closes pursuant to this Order or General Rule 21 shall sign an administrative order closing the court, file the original with clerk of the affected court, and notify the Administrative Office of the Courts as soon as practicable.
6. Dr. Christopher Spitters, the Health Officer for Snohomish Health District, signed Health Officer's Order No. 20-059 which referenced in relevant part, "Events with fewer than 250 attendees are prohibited unless event organizers take the following steps to minimize risk: Older adults and individuals with underlying medical conditions that may increase the risk of serious COVID-19 are encouraged not to attend(including employees); social distancing recommendations must be met (i.e. people staying 6 feet from each other, aside from momentary and minimal contact at closer distances when absolutely necessary); employees must be screened for coronavirus symptoms each day and excluded if symptomatic; proper hand hygiene and sanitation must be readily available to all attendees and employees; and environmental cleaning guidelines from U.S. Centers for Disease Control and Prevention (CDC) are followed (e.g. clean and disinfect high-touch surfaces daily or more frequently)."
7. On March 12, 2020, Governor Jay Inslee ordered all K-12 public and private schools in King, Snohomish and Pierce Counties to close by March 17, 2020 and remain closed until April 24, 2020.

8. On Monday, March 16, 2020, Governor Jay Inslee mandated a two week closure of all restaurants, bars, entertainment and recreational facilities, and reduced large gathering limits from 250 to 50 people. The Governor stated, “We must limit the number of people we come in contact with.”
9. Currently, there are over 675 confirmed cases of COVID-19 in the state of Washington, with 176 of these confirmed cases being from Snohomish County. There are currently 42 deaths statewide with four being in Snohomish County. There are still pending 78 suspect cases.
10. Snohomish County Executive Dave Somers is expected to issue an order dated March 16, 2020 which closes many county facilities to the public.

Given the significant number of identified and projected cases of COVID-19 in Snohomish County and the severity of risk posed to the public, court personnel and litigants, and given the recommendations from the Snohomish Health District, it is hereby ORDERED, pursuant to the authority of Washington State Supreme Court Order No. 25700-B-602 and the authority as Presiding Judge of the Snohomish County Superior Court, that the following shall be in effect March 17, 2020, and this order shall supersede Emergency Order #1 and the Amended Order of Paragraph 2 of Emergency Order #1:

Civil Trial Call

1. All civil jury trials are CONTINUED until at least June 1, 2020.
2. The only matters that may be assigned out from civil trial call are vulnerable adult protection orders, sexual assault protection orders, and extreme risk protection orders. All other matters on the civil trial call calendar will be continued to the next available date after April 24, 2020. The court finds good cause to extend dependency fact finding hearings beyond the statutory 75-day period and, at this time, all dependency fact finding hearings shall be continued to the next available date after April 24, 2020.

Criminal Matters

3. All criminal jury trials are CONTINUED until at least April 24, 2020. All criminal bench trials are continued to at least April 1, 2020. Due to the reduced ability to obtain an adequate spectrum of jurors and the effect of the above public health recommendations on the availability of counsel and Court staff to be present in the courtroom, the time period of the continuances by this Emergency Order will be excluded in computing time for trial pursuant to CrR 3.3(e)(3) and CrR3.3(f)(2). The Court further finds that the ends of justice served by continuing these cases outweighs the defendant's right to a speedy trial. The Court further finds that any delays for time for trial are the result of the unavoidable and unforeseen circumstances and are therefore excluded from computing time for trial by CrR3.3(e)(8).
4. For the weeks of March 16, 2020, and March 23, 2020, except for criminal trial call, all out of custody defendant matters to be heard on the Criminal Hearings Calendars in Department 304 shall be stricken. Out of custody defendants need not appear for criminal trial call on Friday, March 20, 2020 and Friday March 27, 2020, but these cases will be called and the non-appearance will be noted. No Bench Warrants will be issued for not appearing on the calendar.
5. Beginning March 17, 2020, all of the criminal hearing matters in C304, except for trial call on Friday at 1:00 p.m. and all video calendars, shall be limited to in custody defendants only and hearings shall be held solely for in custody arraignments, in custody CSV matters, bail review motions (with proper notice unless otherwise agreed by both parties), in custody pleas, and in custody plea and sentencings. The video calendar shall be limited to twenty (20) defendants. There shall be no hearings

on RALJ matters in C304 but ex-parte agreed orders re-setting dates or asking for assignment may be presented to the Criminal Hearings Judge scheduled to handle that calendar.

6. Effective March 18, 2020, sentencings for out of custody defendants shall be continued to a date after April 24, 2020, to be arranged with the Judge's law clerk assigned to that special set sentencing. All sentencings scheduled for out of custody defendants on the Criminal Hearings sentencing calendar shall be continued to a criminal hearings calendar after April 24, 2020. All in custody special set sentencings may be re-assigned to a specific judicial department throughout the day set for sentencing, rather than on the individual calendars for each judge at 1pm. The Presiding judge will attempt to determine which department(s) will be assigned the sentencings the day before the proceedings.
7. To the extent possible, the attorney representing a criminal defendant related to a hearing that might result in the defendant being released from the Snohomish County Jail should advise the Presiding Judge a minimum of one (1) day prior to the type of hearing so the Presiding Judge can attempt to assign the matter out to a particular department, if there is no availability to hear it in C304. If the matter cannot be heard in C304, the time of the hearing will be dependent on the schedules of the Judge, the attorneys, and transport.

Commissioner Matters

8. Beginning Tuesday, March 23, 2020, pursuant to SCLCR(7)(b)(10)(a) and SCLCR 56,:

a. All motions on the Commissioner Family Law Domestic Motions calendar shall be heard as follows: There will be two calendars, one calendar solely for contempt and disputes related to primary care and the other calendar solely for financial and other non-emergency matters. The calendar for contempt and primary care matters shall be heard telephonically and be limited to a total of eight (8) confirmed hearings. The non-emergency and financial calendar shall be without oral argument and shall be limited to eight confirmed cases. Once the confirmed hearings limit is reached, the parties will either need to agree to a new hearing date or the matter will need to be re-noted. Parties and/or attorneys shall be required to provide a phone number for the Court to call for the telephonic hearing by leaving the case information, their name, and their phone number during the appropriate time for confirmation of the hearing beginning with cases to be confirmed for hearings for March 23, 2020. For cases to be heard prior to March 23, 2020, the phone number shall be provided no later than noon the day before the hearing. If available, the party confirming the hearing shall provide telephone contact numbers for all parties. For 9:00am calendars, all parties must be available by phone from 9:00am until noon or until their matter is completed, whichever comes first. For matters on a 1:00pm calendar, parties must be available by phone from 1:00pm until 4:30pm or until their matter is completed, whichever comes first. Failure by a party to answer the call when placed by the Court may be grounds for the Court to strike the hearing or proceed without the participation of that party.

- b. Petitions for new guardianships shall be heard telephonically and comply with the same telephone procedures set forth above in paragraph (a). This calendar shall be limited to two (2) telephonic hearings. All matters other than petitions for new guardianships on the Guardianship/Probate calendars shall be done without oral argument. This calendar shall be limited to a total of fourteen (14) confirmed cases, subject to the rules set forth above. Failure to provide a proposed order may be grounds for the Court refusing to rule on the matter.
- c. The Commissioner Ex-parte motion department will be only be open to address emergency relief which shall include requests for domestic violence protection orders, sexual assault protection orders, extreme risk protection orders, contempt show cause orders, emergency relief as it relates to children, and unlawful detainer matters. Parties are encouraged to drop off all agreed orders in the basket outside the Confirmations window or use the ex parte mail-in service.
- d. Commissioner Civil Motions Calendar shall be limited to unlawful detainer matters. Appearance in court is required.
- e. The pro se dissolution calendar shall be suspended pending further order of the court.
- f. Interpreter calendars shall be limited to a total of four (4) confirmed matters and shall be subject to the same procedure as in paragraph (a) once the confirmation limit is reached. Matters on the interpreter calendars shall be

limited to anti-harassment orders, domestic violence protection orders, contempt matters, and emergency parenting plan matters.

- g. Weapons surrender hearings shall continue as usual.
- h. All special set hearings for extended hearings shall be suspended further order of the court.

Involuntary Treatment Act Cases

- 9. Beginning March 17, 2020, on its own motion and for good cause, the Court continues all Involuntary Treatment Act matters for one week from the current dates set for the hearings. Ex-Parte orders may be presented to the commissioner for signature or this order may serve as an order of continuance on these matters. The Court finds the administration of justice requires the continuances based upon the basis set forth in the preamble of this order and the respondents will not be substantially prejudiced in the presentation of respondents' cases by having the matter continued, and that it is authorized pursuant to MPR 1.2(2) and MPR 1.2(c). The Respondent shall continue to stay in detention pending the new hearing unless an agreed order releasing the respondent is presented to the Court Commissioner responsible for the calendar or signed by the presiding Judge or designee. The time may be extended by an additional emergency order or modifications of this order.

Other Matters

- 10. All Motions on the Judges' Civil Motions Tuesday through Friday Calendar shall be without oral argument unless the Judge assigned to that civil motions calendar specifically requests argument either telephonically or in person.

11. All civil motions to continue trial shall be heard telephonically.
12. All Truancy matters are suspended until further Order of the Court.
13. All ARY/CHINS matters, except extensions as set forth herein, shall be suspended immediately. All extensions of ARY/CHINS petitions will be granted by calling (425) 388-7954, except if a judicial officer requests the parties to appear telephonically or in person.
14. A supplemental emergency order will be filed to address the other matters at Denny Juvenile Justice Center not currently addressed in this order.
15. Any matters not addressed in this emergency order shall proceed in the manner consistent with all State and Local Court rules.

This Order modifies, but is not limited to modification of, the following rules:

SCLCR 7

SCLCR 56

SCLCrR 4.5

SCLSPR 94.04(c)(3)(F)

SCLSPR 98.16(3)(a)

JuCR 5A.6

This Order may be further extended or modified.

DATED this 16th day of March, 2020



Judge Bruce I. Weiss