

IN THE SUPERIOR COURT
FOR THE COUNTY OF SKAGIT

IN THE MATTER OF) ADMINISTRATIVE ORDER
EMERGENCY RESPONSE TO COVID-19) NO. 20-7
OUTBREAK)

WHEREAS, An identified public health emergency exists due to the current outbreak of the Novel Corona virus which emergency has been previously identified in this Court's Emergency Administrative Order 20-3; and

WHEREAS, the Governor of Washington has issued Proclamation 20-25 requiring persons to stay at home unless they are performing an essential service which proclamation has been extended several times and expired at midnight on May 31st, 2020; and

WHEREAS Stay at Home provisions have been in effect since late March, 2020 and the most current Order from the Governor, issued May 1, 2020, provides that the Stay at Home provisions shall be lifted in a phased process which leave restrictions affecting Court Operations in effect at least through the third week in June, 2020; and

WHEREAS on May 29, 2020, the Washington State Supreme Court issued its Third Revised and Extended Order Regarding Court Operations; and

WHEREAS, the Presiding Judge of Skagit County Superior has determined that, with limited exceptions, all hearings that are not deemed critical should be continued except to the extent noted herein;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. **EFFECTIVE DATE** This Order becomes effective upon signing and shall remain in effect through midnight on June 15, 2020. In addition, the effective date of Emergency Administrative Order 20-3 is extended through June 15, 2020 and all references to April 24, 2020 contained therein shall be deemed to refer to June 15, 2020.
2. **RELATIONSHIP TO EMERGENCY ADMINISTRATIVE ORDER 20-3** For so long as this Order is in effect, it will supersede Administrative Order 20-3 with

respect to matters set forth herein. In all other respects Administrative Order 20-3 shall be interpreted as supplementary to this Order

3. CRITICAL HEARINGS The following hearings are deemed critical:

In custody criminal (including juvenile)

- Arraignment
- Bail hearings/release hearings
- Plea and sentence
- Competency hearings
- Any other emergency Motion with the consent of a Judicial Officer

Civil

- Temporary Protection Orders (DVPO, VAPO, SAPO, ERPO)
- Immediate restraining orders where domestic violence is alleged
- Shelter care hearings
- Involuntary treatment hearings
- Guardianship hearings
- Any other emergency Motion with the consent of a Judicial Officer

During the term of this order only critical hearings will be conducted except as noted below. To accommodate the hearings noted above, the Court will hold calendars as follows:

- Involuntary treatment hearings – conducted telephonically on Tuesdays, Wednesdays and Fridays at 10:00 am
- Shelter Care Hearings – conducted telephonically on Tuesdays and Thursdays at 9:30 am
- Juvenile hearings – conducted telephonically Monday through Friday at 1:00 pm
- Ex Parte – conducted telephonically Monday through Friday at 1:30 pm
- Criminal matters – conducted at the Community Justice Center Monday through Friday. Prior to June 3, the criminal matters shall commence at 2:30. Starting June 3, the criminal matters shall commence at 1:30 pm rather than 2:30. Appearances may be in person or telephonic.

4. PERMITTED NON-CRITICAL HEARINGS

A. DEPENDENCY The Court will hear motions regarding issues of parental or child's rights (to include dispositional orders, visitation, services, or other issues approved by the court prior to filing), emergent motions critical to

child's safety and health, and appointment of an attorney for child and status conference hearings. These hearings will be held on Tuesdays at 9:30 am.

B. CRIMINAL (OUT OF CUSTODY)

- a. 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 30 hearings 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 and any associated scheduling order pursuant to the Supreme Court's order noted above and any replacement thereto.
- b. Out of custody plea and sentence may be scheduled on the Court's daily 1:30 criminal calendar with the understanding that two are permitted per calendar and that all physical distancing requirements will be enforced.
- c. The Court will hear motions to rescind/modify No Contact Orders telephonically. The Court notes that the current criminal schedule will change significantly starting on or about June 15 when District Court resumes using the courtroom at the Jail.

C. **CIVIL** Agreed orders on civil matters are decided on the pleadings and noted on the daily 1:30 pm ex parte calendar. As the Clerk's office has reopened to the public, the Clerk will no longer be waiving the ex parte fee as noted in Order 20-3. 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 heard on the pleadings unless the hearing judge requests argument. Hearings on motions for summary judgement involving argument shall be conducted by video or telephonically at the hearing judge's discretion on Thursdays at 9:30 am. Argument shall be limited to ten minutes per side.

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

E. **DOMESTIC RELATIONS/FAMILY LAW** The pro se (unrepresented litigants) calendar will be heard on Mondays at 9:00 am. The calendar for represented

litigants will be heard on Fridays at 9:30 am. Both calendars shall be capped at fifteen cases per calendar. Video/Telephonic hearings are capped at no more than eight per calendar. Hearings on these calendars shall be regulated as follows:

- i. **CHILD SUPPORT MOTIONS** Motions for modifications and temporary support orders will be heard on the pleadings unless a judicial officer requests telephonic argument. The parties must file a financial declaration and sealed financial records to include the last 2 years taxes with W-2 and pay stubs together with a declaration regarding issues and requests.
 - ii. **CONTEMPT AND RESTRAINING ORDERS** Hearings on contempt motions and restraining orders will be heard on the Monday and Friday calendars by video or telephonically.
 - iii. **TEMPORARY FAMILY LAW ORDERS AND OTHER MOTIONS** These motions will be heard on the pleadings unless video/telephonic argument is requested by a judicial officer.
 - iv. **ENTRY OF FINAL ORDERS** Final orders shall be presented ex parte together with parenting class certificates and an affidavit of formal proof/jurisdictional facts.
5. **TELEPHONIC/VIDEO HEARINGS** All hearings conducted under this Order shall be conducted telephonically or by video (see Emergency Administrative Order 20-3). Although this order indicates that some hearings shall be telephonic, they may be conducted by video at the hearing judge's discretion. Where Video hearings are conducted, telephonic participation shall also be available. The Court will post a daily docket on its website (<http://inside.skagit.local/Departments/SuperiorCourt/main.htm>) providing video address/telephonic call in information for every calendar.
6. **SHORTENED TIME ON CRIMINAL MATTERS** Motions for bail reduction, release on personal recognizance, temporary release, or any emergent matters shall be heard on shortened time if notice has been given to opposing counsel by noon two days before the scheduled hearing.
7. **SCHEDULED PROTECTION ORDER HEARINGS** The Court has resumed conducting Hearings on motions for Full Protection Orders. These hearings are conducted by video conference but parties may also participate telephonically. The court may continue these matters as necessary to insure proper notice to the parties or to address evidentiary issues. Judicial Officers may, in their sole

discretion, extend full hearings on temporary orders beyond 28 days based on agreement of the parties of additional specific findings of good cause.

8. **FACT FINDINGS/TERMINATION OF PARENTAL RIGHTS** All Dependency fact findings are continued to a date after June 22, 2020 as set forth under paragraph 10 of this order. All Dependency fact finding hearings will be governed under Paragraph 10 of this order. Status conference hearings shall occur as set forth in paragraph 4A herein to prepare for bench trials commencing after June 22, 2020. Further, the Court finds that the COVID-19 pandemic is good cause under RCW 13.34.145 (5) (a) not to order DCYF to file a petition to terminate parental rights.
9. **JURY TRIALS** Until further notice, the Court will not confirm any jury trials. Any and all cases with an assigned jury trial date prior to July 6, 2020 are hereby stricken. Counsel on non-criminal matters shall re-note said matters for trial assignment. Counsel on criminal matters shall provide proposed orders with new dates. All jurors who were summonsed for trials before July 6, 2020 are excused from service. 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 1, 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.
10. **BENCH TRIALS** Bench Trials will resume no earlier than June 22, 2020. While the Court will endeavor to maintain a schedule that will accommodate bench trials previously set, the Court recognizes that certain types of trials and hearings have priority as a matter of law and the Court intends to honor said priorities as it resumes the conduct of trials.
11. **LIMITATION ON CIVIL MATTERS** During the term of this Order the Court will not be hearing any Unlawful Detainer matters with the exception of those alleging waste of the premises or maintaining a drug house, Motions for Default, Motions for Default Judgment, Motions for Judgment on the Pleadings, and Orders for Payment under writs of garnishment for consumer debt. With respect to motions for defaults and default judgments, this provision applies to all civil matters including but not limited to family law, paternity and dependency matters. Any of said matters that are noted for hearing will be stricken. Any proposed Orders on said matters will be denied without prejudice.
12. **PROPOSED ORDERS** For all calendars, the moving party shall provide the Court with a proposed order in Word format at least five days before the hearing. The Court may strike any matter for which there is no proposed order. All proposed orders shall be emailed to: SValadez@co.skagit.wa.us.

13. **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.

DATED this 2nd day of June, 2020.



David A. Svaren
Presiding Judge