

IN THE SUPERIOR COURT
FOR THE COUNTY OF SKAGIT

IN THE MATTER OF) ADMINISTRATIVE ORDER
EMERGENCY RESPONSE TO COVID-19) NO. 20-3
OUTBREAK)

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 has ordered that all schools in Washington both public and private shall remain closed until April 24, 2020; and

WHEREAS, The Governor of the State of Washington has ordered the immediate temporary closure of restaurants, bars and entertainment and recreational facilities and has further prohibited gatherings with over fifty participants and "all gatherings under fifty participants unless previously announced criteria for public health and social distancing are met"; and

WHEREAS, the Washington Supreme Court has adopted Amended Order No. 25700-B-607 effective March 20, 2020 which order significantly curtails Court activity until at least April 24, 2020; and

WHEREAS, The Presiding Judge has determined that all reasonably necessary steps to reduce Court population must be taken;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. **EFFECTIVE DATE** This Order supercedes Administrative Order 20-2 and becomes effective on the date of signing indicated hereinbelow.
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.
3. **EMERGENT MATTERS LIMITATION** Attorneys and pro-se litigants are encouraged to note for hearing only those matters they believe to be emergent. Attorneys and pro-se litigants should use their best judgment in deciding whether a matter is emergent taking into consideration the current public health emergency noted above. The Court SHALL strike any matter which it does not find emergent.
4. **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 April 24, 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, with time for trial as not before June 24, 2020 for in-custody defendants and not before July 24, 2020 for out-of-custody defendants.
5. **BENCH TRIALS** All criminal and civil bench trials, including family law trials are continued until April 24, 2020 after which the attorneys and/or litigants may renote said matters for trial assignment.
6. **OUT OF CUSTODY CRIMINAL MOTIONS** All out of custody Criminal motions currently calendared, with the exceptions noted below, are stricken from the calendar and may be re-noted after April 24, 2020. The following hearings are determined to be necessary and may be heard:
 - Motions to quash warrants
 - Motions regarding bail
 - Motions for TRO from custody
 - Motions to review pre-trial release conditions
 - Hearings scheduled for entry of a guilty plea and/or for sentencing
 - Competency Hearings
 - Motions to rescind or modify No Contact Orders
 - Any other Motion with the consent of a Judicial Officer

With the exception of guilty pleas and sentencings, all of the hearings listed above in this paragraph shall be conducted telephonically. Moving counsel shall renote any other matters for hearing on a date after April 24, 2020.

7. **OUT OF CUSTODY CRIMINAL MATTERS** Subject to the terms of Paragraph 6, All **out of custody** criminal matters already pending shall be continued until after April 24, 2020 except those motions, actions on agreed orders, conferences or other proceedings that can appropriately be conducted telephonically. Arraignment on **out of custody** cases filed between today's date and April 24, 2020 or the first appearance in court after that date shall be deferred until a date 45 days after the filing of charges. Good cause exists under CrR 4.1 and 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). With the exception of Arraignments, Defense counsel shall renote these matters for hearing. The Prosecuting Attorney shall renote arraignment hearings.
8. **IN CUSTODY CRIMINAL MATTERS** All **in custody** criminal matters shall be continued until after April 24, 2020, with the following exceptions:
- Scheduling and hearing of first appearances, arraignments, plea hearings, criminal motions, competency hearings sentencing hearings, and motions for pre-trial release or bail modification..
 - Courts retain discretion in the scheduling of these matters, except that the following matters shall take priority:
 - i. Pretrial release and bail modification motions.
 - ii. Plea hearings and sentencing hearings that result in the anticipated release of the defendant from pretrial detention within 30 days of the hearing.
 - iii. Parties are not required to file motions to shorten time in scheduling any of these matters.
9. **ARRAIGNMENTS/FIRST APPEARANCES** The Court will continue to hold Righting hearings on first appearance after arrest. This applies to defendants in custody. First Appearance hearings will be conducted using existing video technology already in use by the Court. Arraignments shall continue to be held on Friday afternoons for in custody defendants. If requested by the Defendant, arraignments may be conducted telephonically.
10. **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.

11. **CONTINUANCES IN CRIMINAL CASES** Criminal Counsel and the Prosecuting Attorney are urged to work in concert to continue all pre-trial criminal matters to a defined future date without requiring the defendants' appearance in court. While the Court has great confidence in the abilities of said attorneys, should this voluntary measure prove inadequate, the Court reserves the right to cancel all pretrial hearings that do not meet the criteria of paragraphs six through eight hereinabove.
12. **JUVENILE MATTERS** The juvenile calendar shall continue to be heard at its regularly appointed time but hearings shall be limited to arraignment, omnibus, trial confirmation and probation violation hearings. All other hearings are continued until after April 24, 2020. All hearings shall be conducted telephonically with the exception of those juveniles in detention. Juvenile court jurisdiction in all pending offender proceedings and in all cases in which an information is filed with the juvenile court prior to April 24, 2020, in which the offender will reach the age of 18 within 120 days of April 24, 2020, shall be extended to the offender's next scheduled juvenile court hearing after April 24, 2020.
13. **TIME FOR TRIAL** A continuance of these criminal hearings and trials is required in the administration of justice. Based upon the court's finding that the serious danger posed by COVID-19 is good cause to continue criminal jury trials, and constitutes an unavoidable circumstance under CrR 3.3(e)(8), CrRLJ 3.3(e)(8), and JuCR 7.8(e)(7), the time between the date of this order and the date of the next scheduled trial date are EXCLUDED when calculating time for trial. CrR 3.3(e)(3), CrRLJ 3.3(e)(3), JuCr 7.8(e)(3).
14. **SIGNATURES** The Court finds that obtaining signatures from defendants for orders continuing existing matters places significant burdens on attorneys, particularly public defenders, and all attorneys who must enter correctional facilities to obtain signatures in person. Therefore, for all matters covered in

Paragraphs six through eight and twelve, this Order serves to continue those matters without need for further written orders. Additionally:

- Defense counsel is not required to obtain signatures from defendants on orders to continue criminal matters through April 24, 2020.
- Defense counsel shall provide notice to defendants of new court dates.

15. BENCH WARRANTS Bench warrants may issue for violations of conditions of release from now through April 24, 2020. However, courts 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.

16. MOTIONS FOR PRE-TRIAL RELEASE

The court shall hear motions for pretrial release on an expedited basis without requiring a motion to shorten time, but only if victims or witnesses can participate on an expedited basis. Const. Art. 1 (section 35). The Court finds the COVID-19 crisis constitutes a "material change in circumstances" under CrR/CrRLJ 3.2(k)(1) and "new information" allowing amendment of a previous bail order or providing different conditions of release under CrR or CrRL or J 3.2(k)(1). Under such circumstances in the juvenile division of superior court, the court may conduct a new detention hearing pursuant to JuCR 7.4. Parties may present agreed orders for release of in-custody defendants, which should be signed expeditiously. If a hearing is required for a vulnerable or at-risk person as identified above, the court shall schedule such hearing within five days. The court shall expedite hearings on other cases with due consideration of the rights of witnesses and victims to participate.

17. TELEPHONIC APPEARANCES Telephonic appearances shall be allowed in all non-trial matters. This order applies to both testimony and argument. Criminal defendants and juvenile respondents shall also be afforded the opportunity to appear telephonically if so requested.

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

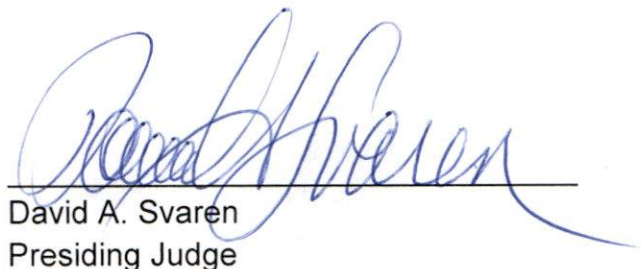
19. DOMESTIC MOTIONS Commencing March 17 and until further notice, all domestic motions shall be heard telephonically. Hearings shall be emergent

only. Each telephonic hearing calendar shall be limited to a total of eight confirmed hearings. Contested Child support hearings shall be stricken subject to renoted after April 24, 2020. Paternity Hearings shall be stricken subject to renoted after April 24. Agreed orders may be submitted for the Court's consideration on an ex parte basis.

20. **EX PARTE ORDERS** No ex parte 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. If the filing is done by mail the Clerk's thirty dollar filing fee shall be waived. The Clerk's filing fee shall not be waived if the applications are filed in person.
21. **PROTECTION ORDERS** Hearings on Domestic Violence Prevention Orders, Vulnerable Adult Protection Orders, Sexual Assault Protection Orders and Extreme Risk Protection Orders and compliance hearings pertaining thereto shall be conducted as scheduled. 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. The Court will liberally grant continuances with the provision that any existing temporary order will remain in effect during any period of continuance. All Protection Order hearings shall be conducted telephonically.
22. **CIVIL HEARINGS** Until April 24, 2020, all hearings on the Judges' Civil Motion and Summary Judgment calendars normally held on Thursdays and Fridays shall be without oral argument unless the Judge assigned to that civil motions calendar specifically requests telephonic argument. Guardianship hearings shall be conducted telephonically with the Allegedly Incapacitated Person's presence on the telephone. Proposed orders should be submitted to the Court no less than two days before the hearing. Unlawful detainer hearings are suspended until April 24, 2020 with the exception of those cases involving alleged waste of the premises or maintaining a drug house. Any permitted Unlawful Detainer hearings shall be conducted telephonically.
23. **DEPENDENCY HEARINGS** Commencing with the signing of this order, no dependency hearings shall be heard, including Fact Findings, except Shelter Care Hearings addressed below, until April 24, 2020 unless specifically authorized for extraordinary reasons by a judicial officer.
24. **SHELTER CARE** Shelter care hearings shall continue to be heard telephonically.
25. **TRUANCY** All truancy matters are suspended until further Order of the Court.

26. **ARY/CHINS** Hearings on ARY/CHINS petitions shall be heard telephonically 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.
27. **INVOLUNTARY TREATMENT HEARINGS** Involuntary Treatment hearings (ITA's) shall be conducted telephonically with all persons including witnesses appearing at the Courthouse with the exception of the Allegedly Incompetent Person (AIP) and their attorney who shall participate from the facility in which the AIP is located.
28. **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.
29. **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.
30. **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.
31. **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 23rd day of March, 2020.



David A. Svaren
Presiding Judge