

FILED

JUN 01 2020

TRISTEN WORTHEN
DOUGLAS COUNTY CLERK
WATERVILLE, WA
BY _____ DEPUTY

IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF DOUGLAS

IN THE MATTER OF: Emergency Response to a) EMERGENCY
Threat to General Public Health and Welfare,) ADMINISTRATIVE ORDER
Caused By the Coronavirus Disease 2019) NO. 2
("COVID-19"))

2020-5002-09-

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WHEREAS, on February 29, 2020, the State of Washington declared an emergency due to the public health emergency posed by the global pandemic known as Coronavirus Disease 2019 (COVID-19); and

WHEREAS, on March 4, 2020, Washington Supreme Court 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 court 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

1 to the Administrative Office of the Courts in lieu of the
2 requirements of General Rule 7;

- 3 3. Each court that closes pursuant to this Order or General Rule 21
4 shall sign an administrative order closing the court, file the
5 original with clerk of the affected court, and notify the
6 Administrative Office of the Courts as soon as practicable.

7 WHEREAS on March 13, 2020, the United States of America declared that a
8 National Health Emergency exists due to COVID-19; and

9 WHEREAS, on March 16, 2020 Governor Inslee issued a statewide emergency
10 proclamation to temporarily shut down restaurants, bars, and entertainment and recreational
11 facilities. In addition, all gatherings with over 50 participants are prohibited and all
12 gatherings under 50 participants are prohibited unless previously announced criteria for
13 public health and social distancing are met; and

14 WHEREAS, on March 17, 2020, the Douglas County Board of Commissioners
15 declared a state of emergency for Chelan County in response to the public health crisis
16 caused by COVID-19; and

17 WHEREAS, on March 17, 2020 the Douglas County Superior Court issued its
18 Emergency Administrative Order No. 1 which revised court operations to conform with the
19 directives of Washington Supreme Court, the Governor of the State of Washington and
20 public health authorities relating to the COVID-19 public health emergency; and

21 WHEREAS, Public health experts with the Washington State Department of Health,
22 Chelan-Douglas Health District, and the National Center for Disease Control report that,
23 though most persons contracting COVID-19 suffer mild symptoms, persons at a higher risk
24 of serious illness from COVID-19 include people:

- older than 60;

- who have serious chronic medical conditions such as diabetes, heart disease, or lung disease;
- who have weakened immune systems;
- who are pregnant; or
- who are sick or have recently been in contact with someone who is sick.

WHEREAS, on May 29, 2020, the Washington State Supreme Court by Order No. 25700-B-626 (“Amended Third Revised and Extended Order Regarding Court Operations,” hereinafter “Third Revised Order”), and by its other similar prior orders since March 2020, extended and revised certain mandated restrictions for hearings and trials in the superior courts of the State of Washington, necessitating an extension and modification of this court’s prior order regarding court operations; and

WHEREAS, on May 31, 2020 Governor Inslee issued a statewide proclamation effective June 1, 2020 entitled “Safe Start – Phased Reopening County-By-County,” a plan by which each of Washington’s 39 counties may apply to the Secretary of the Department of Health to move to the next of the four phases set forth in the plan. According to the plan, the Department of Health and local public officials will monitor data to assess a county’s readiness for safely reopening and modifying physical distancing measures. Douglas County is currently in Phase 1 of the plan as of the date of this Douglas County Superior Court, Emergency Administrative Order No. 2.

WHEREAS, the Douglas County Superior Court adopts by this reference the findings and conclusions set forth in the foregoing orders, proclamations and resolutions; and

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2 WHEREAS, the Court finds that the health and safety of the public, the parties to
3 any litigation in this Court, the employees of the Court and the employees within the law
4 enforcement community are at risk by said pandemic; and

5 WHEREAS, the Douglas County Courthouse in Waterville is not yet equipped to
6 effectively comply with social distancing and other public health requirements to minimize
7 or prevent the spread of COVID-19, thereby risking the health and safety of litigants,
8 attorneys, judges, court staff, and members of the public at any in-person court appearances.

9 NOW, THEREFORE, pursuant to the Court's authority to administer justice and to
10 ensure the safety of court personnel, litigants, and the public,

11 IT IS HEREBY ORDERED THAT:

12 **GENERAL**

13 1. Pursuant to General Rule (GR) 21(a) and Washington State Supreme Court
14 Order No. 25700-B-626 dated May 29, 2020, the Presiding Judge of Douglas County,
15 Washington is authorized to adopt, modify, and suspend court rules and orders and to take
16 further actions concerning court operations, as warranted, to address the current public health
17 emergency.

18 2. Persons exhibiting symptoms of COVID-19, including fever, persistent
19 cough, or shortness of breath SHALL NOT enter the Third Floor of the Douglas County
20 Courthouse (hereinafter "the Courthouse") located in Waterville, Washington. Any such
21 person who does appear shall be refused entry. Persons who cannot enter the Courthouse or
22 those at high risk for serious illness who wish to avail themselves of this order SHALL
23 contact the Court Administrator at 509-745-9063 or jjackson@co.douglas.wa.us to request
24 other arrangements to be made related to their court business.

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3. All persons present in any courtroom of the Superior Court shall, to the extent practicable, increase handwashing and use of alcohol-based sanitizers, exercise respiratory hygiene and cough etiquette (cover a cough or sneeze), and observe social distancing and maintain a distance of at least 6 feet from any other person. The judicial officer presiding over the courtroom shall retain the authority to exclude any person failing to obey this directive.

4. Until further order of the court, and except as set forth below, all court hearings in the Douglas County Superior Court shall be conducted by video or audio via Zoom virtual meeting software, and attorneys and pro se parties are responsible for contacting the Court Administrator to arrange for telephonic or video appearance for any court hearings. Arrangements shall be made at least one full business day prior to the court hearing by contacting the Court Administrator by phone at 509-745-9063 or by email at jjackson@co.douglas.wa.us.

ADULT CRIMINAL CASES

1. The Court finds that the serious danger posed by the virus COVID-19 is good cause to continue criminal jury trials and bench trials and constitutes an unavoidable circumstance affecting the time for trial beyond the control of the court or of the parties pursuant to CrR 3.3(e)(8).

2. Based on the above finding of good cause to continue criminal jury trials and bench trials due to unavoidable circumstances, the Court Orders that the time between the entry of this order and the next scheduled trial date is EXCLUDED when calculating time for trial. (CrR 3.3(e)).

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3. All pending criminal jury trials and bench trials in this court scheduled to begin between issuance of this order and August 31, 2020 are stricken. Each such case shall be set for a Trial Setting hearing to take place by video or audio via Zoom virtual meeting software on September 14, 21, 28 or October 5, 2020, unless an order resetting trial is entered prior to that time.

4. All **out of custody** criminal matters that have been set on the regular Monday Criminal Calendars between issuance of this order and August 31, 2020, inclusive, shall be continued to a regular Monday Criminal Calendar date on September 14, 21, 28 or October 5, 2020, with each such hearing to take place by video or audio via Zoom virtual meeting software. Additionally, the Court may schedule such matters to be heard consistent with the Amended Third Revised Order, paragraph 8. Defense attorneys are responsible for obtaining Zoom Log-In and/or Call-In information, Meeting ID, Password and other pertinent information from the court clerk or the Court Administrator and transmitting that information to each of their clients as necessary to facilitate these court hearings. Defense attorneys are also responsible for ensuring that for any hearing that constitutes a critical stage of the proceedings, their client must have the opportunity for private and continual discussion with their attorney (for example by a separate telephone connection).

5. Parties may submit an agreed Order Setting Trial Dates ex parte so long as defendant has signed that order or defense counsel has obtained telephonic approval from the client for entry of the order.

6. Except as provided in the Amended Third Revised Order, all **in custody** criminal matters shall be continued to a regular Monday Criminal Calendar date on September 14, 21, 28 or October 5, 2020, with the following exceptions:

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- a. Scheduling of first appearances, arraignments, criminal motions, plea and sentencing matters.
 - b. The Court retains discretion in the scheduling of these matters, except that the following matters shall take priority:
 - i. Pretrial release motions.
 - ii. Plea hearings and sentencing hearings that result in the anticipated release of the defendant within 30 days of the hearing.
 - iii. Motions that may be dispositive of the case.
 - c. Parties are not required to file motions to shorten time in scheduling any of these matters.

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JUVENILE CRIMINAL CASES

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1. Regularly scheduled Wednesday juvenile criminal calendars are hereby canceled through October 20, 2020. Such calendars will resume on or after October 21, 2020.
 2. In custody juvenile matters and certain other juvenile matters may be scheduled to take place via Zoom virtual meeting software on a case-by-case basis.

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CIVIL CASES

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1. Until further notice, there will be no in-person civil hearings of any type, except as required by the Amended Third Revised Order. Instead, all civil hearings must take place by video or audio via Zoom virtual meeting software.
 2. Arrangements for appearing at a hearing conducted by Zoom shall be made at least one full business day prior to the court hearing by contacting the Court Administrator by phone at 509-745-9063 or by email at jjackson@co.douglas.wa.us.

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TRUANCY AND AT-RISK YOUTH CASES

1. Truancy calendars are hereby canceled through October 19, 2020. Truancy calendars will resume on or after October 20, 2020.

2. At-Risk Youth hearings are hereby canceled through October 19, 2020 except where there is an imminent danger to the minor child or another person. At-Risk Youth hearings will resume on or after October 20, 2020.

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DEPENDENCY CASES

1. All dependency and termination hearings shall be conducted in accordance with the Supreme Court's Extended and Revised Order Re: Dependency and Termination Cases No. 25700-B-622 issued on April 30, 2020 and the Amended Third Revised Order.


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AMENDMENT OF THIS ORDER

1. The Superior Court anticipates the need to amend and/or supersede this Order as the COVID-19 public health emergency continues to develop and more information becomes available.

DATED this 1 day of June, 2020.

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Honorable Brian C. Huber
Presiding Judge
Douglas County Superior Court