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

FILED
2020 MAR 31 PM 4:21
HEIDI PERCY
COUNTY CLERK
SNOHOMISH CO. WASH

IN RE THE MATTER OF THE RESPONSE BY SNOHOMISH COUNTY SUPERIOR COURT TO THE PUBLIC HEALTH EMERGENCY IN SNOHOMISH COUNTY AND THE STATE OF WASHINGTON	)))))))	NO. 2020-7005-31A EMERGENCY ORDER #3B RE: JUVENILE COURT OPERATIONS

THIS MATTER COMES BEFORE THE COURT on the public health emergency in Washington State and in Snohomish County.

WHEREAS, 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; and

WHEREAS, on February 29, 2020, Governor Jay Inslee issued Proclamation 20-05, declaring a state of emergency throughout all counties of the Washington state due to the public health emergency posed by the coronavirus 2019 (COVID-19); and

WHEREAS, on March 1, 2020, President Donald J. Trump proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency; and

WHEREAS, on March 23, 2020, in response to the Covid 19 emergency, Governor Jay Inslee issued Proclamation 20-25 "Stay Home Stay Healthy," prohibiting all people in Washington from leaving their homes, except to conduct or participate in essential activities. In complying with the prohibition, lawyers, litigants, and witnesses will be unable to attend court for nonessential hearings unless by means of a system for telephonic or video appearance; and

WHEREAS, on March 24, 2020, Snohomish County Executive Dave Somers signed Emergency Executive Order No. 20-04, stating, "all people in Snohomish County shall

immediately cease leaving their home or place of residence except (1) to conduct or participate in essential activity and/or for employment in essential business services;" and

WHEREAS, 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; and

WHEREAS, on March 26, 2020, in response to the COVID-19 emergency, Governor Jay Inslee issued Proclamation 20-33 pursuant to RCW 43.06.220(2)(g), amending RCW 13.34.1362(b)(ii)(A) and (C) relating to visitation for children removed from their home, RCW 13.34.025(2)(c) relating to remedial services and RCW 74.13.031(6) requiring monthly face to face visits with children in out of home placements and their caregivers; and

WHEREAS, there are a significant number of identified and projected cases of COVID-19 in Snohomish County and the severity of the risk posed to the public, court personnel and litigants is high;

NOW THEREFORE, it is hereby ORDERED, pursuant to the authority of Washington State Supreme Court Order No. 25700-B-607 and the authority of the Presiding Judge of the Snohomish County Superior Court, that the following shall be in effect March 30, 2020:

OFFENDER MATTERS IN JUVENILE COURT

1. All out-of-custody offender fact findings are CONTINUED until at least April 24, 2020. All in-custody offender fact findings will maintain their current trial schedule, absent a finding of good cause made on a case-by-case basis.
2. Due to 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 shall be excluded in computing time for trial pursuant to JuCR 7.8(b). 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 in the time for trial are the result of unavoidable and unforeseen circumstances and are therefore excluded from computing time for trial by JuCR 7.8(e)(7).

3. For the dates of March 19, 2020, March 26, 2020, April 2, 2020, April 9, 2020, April 16, 2020 and April 23, 2020, out-of-custody defendants need not appear for the offender trial confirmation calendar at 9:00 a.m. No Warrants will be issued solely for failing to appear at the hearing.

4. For juvenile offender cases that are continued pursuant to this order, the attorneys for each respondent will confer with the assigned Deputy Prosecuting Attorney and determine whether the case is confirming for trial, setting a plea hearing or requesting an agreed trial continuance, with proposed new dates beyond April 24, 2020. Those orders will be prepared by the parties and submitted to the court for approval ex parte.

5. Until further notice, the Offender Docket and Motions calendar held on Mondays shall be moved from 10:30 a.m. to 11:00 a.m. The Offender Docket and Motions calendar held on Tuesday, Wednesday and Thursday will remain at 10:30 a.m. On that calendar the Court will hear Probable Cause hearings, Arraignments, Warrant Requests and Returns, Motions to Quash Warrants, Bail Review hearings (with proper notice given), Revocations (urgent matters only), and Truancy and ARY warrant/quash requests. Except for Arraignments, Motions to Quash Warrants and Revocations, the calendar is limited to in-custody offenders only. The Offender Motion and Docket Calendar on Fridays will be cancelled. Probable Cause hearings and Warrant requests on Fridays will be heard on the SAU calendar at 10:30 a.m. Previously scheduled out-of-custody matters on the Offender Docket and Motion

calendars for dates in March 2020 and April 2020 will be reviewed by the Deputy Prosecuting Attorney and Respondent's attorney to determine which cases should remain on the calendar; all other cases will be stricken and continued to a date after April 24, 2020. A separate order shall be prepared for each case that will be continued. The parties shall provide the Court with one (1) day advance notice of the matters that will go forward on each date.

6. All offender arraignments set on the 9:00 a.m. Monday Arraignment Calendars on March 23, 2020, March 30, 2020, April 6, 2020, April 13, 2020 and April 20, 2020 will be moved to the 11:00 a.m. Offender In-custody Docket and Motions Calendar on that same day.
7. All cases set on the 9 a.m. Plea and Disposition calendar on Wednesdays on March 18, 2020, March 25, 2020, April 1, 2020, April 8, 2020, April 15, 2020 and April 22, 2020 will be reviewed by the assigned Deputy Prosecuting Attorney and Respondent's attorney and a case-by-case determination will be made as to whether the matter should proceed as scheduled or be continued to a date after April 24, 2020. A separate order shall be prepared for each case that will be continued. The parties shall provide the Court with one (1) day advance notice of the matters that will go forward on each date.
8. Except for cases where an agreed order has been reached, all cases on the 2:00 p.m. Thursday Sealing calendars shall be CONTINUED to a date after April 24, 2020. Agreed orders may be reviewed and entered ex parte. The Prosecuting Attorney's Office shall prepare orders on each case previously calendared on dates in March 2020 and April 2020 continuing each case to a date after April 24, 2020.
9. Until further notice, the 9:30 Friday Sexual Assault Unit (SAU) Offender calendar will be moved to 10:30 a.m. The SAU calendar is limited to 4 cases per week, except for Arraignments and Probable Cause hearings on SAU and non-SAU matters. Priority for

scheduling cases on a calendar shall be given to in-custody offenders. Each case previously set on the calendar for dates in March 2020 and April 2020 will be reviewed by the assigned Deputy Prosecuting Attorney and Respondent's attorney and a case-by-case determination will be made as to whether the matter should proceed as scheduled or be continued to a date after April 24, 2020. A separate order shall be prepared for each case that will be continued. The parties shall provide the Court with one (1) day advance notice of the matters that will go forward on each date.

DEPENDENCY MATTERS IN JUVENILE COURT

10. The Court finds that unforeseen exigent circumstances exist that require the continuance of dependency hearings and, in some cases, extending those hearings beyond the typical statutory time frames. Accordingly, the following dependency hearings for the months of March 2020 and April 2020 shall be CONTINUED to a date after April 24, 2020, unless an agreed order is entered by the parties: Termination Preliminary Hearings; Dependency Publication/Default Preliminary Hearings; Dependency Review and Permanency Planning Hearings; Dependency and Guardianship Preliminary Hearings; Dependency Fact Findings, Dependency Settlement Conferences, Unified Family Court Preliminary Hearings and Special Set Dependency Hearings previously scheduled on Fridays at 10 a.m. For cases that are continued, the attorneys assigned to each case shall confer with the Judge's Law Clerk as to available dates and prepare orders continuing each matter, consistent with the Blue/Red calendaring system.

11. The Court finds that exceptional circumstances exist to continue 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.

12. For Unified Family Court hearings on Mondays at 10:00 a.m., all matters shall be CONTINUED to a date after April 24, 2020, except:

    a. Cases where an agreed family law order is ready to be entered;

    b. Cases where a motion for default has been noted and served on the respondent and entry of a family law order (temporary or final) may be entered; and

    c. Cases where the family law action may be dismissed and either the dependency/shelter care action will be dismissed, or the dependency/shelter care action will be unlinked and proceed separately.

    Those hearings shall be conducted telephonically. For cases previously scheduled to be heard on April 6, 2020, April 13, 2020 and April 20, 2020, the attorneys assigned to each case shall confer with each other and the UFC Coordinator to determine which cases may remain on the calendar, and which cases shall be continued pursuant to the Court's directive. Where a case is to be continued, the attorneys assigned to each case shall prepare orders of continuance, consistent with the Blue/Red calendaring system.

13. For Termination Preliminary Hearings and Dependency Preliminary Hearings where service was made by publication and a default motion has been made, the Court will not enter default orders for non-appearance of a party on a date for which a hearing was cancelled under this order.

14. Shelter care hearings will continue to be held daily as needed at 1:15 pm. The parties are encouraged to appear telephonically. Where an agreed order is reached and the shelter care hearing is waived, the Parent(s) waiving the hearing shall appear telephonically to state their intention to waive the hearing on the record. Telephonic appearance will be considered an "appearance in court" for this purpose.

15. All dependency Motions to Shorten Time will be heard only at 2:00 p.m. on Monday, Tuesday and Wednesdays. Scheduling for those dates and times must be made through the Judge's law clerk. Oral argument is limited to 5 minutes per side. All hearings will be conducted telephonically.
16. Contested dependency motions and other special set motions shall be heard on Mondays, Tuesdays and Wednesdays at 2:15 p.m. and 3:00 p.m. Scheduling for those dates and times must be made through the Judge's law clerk. The parties shall appear telephonically for these hearings. If testimony is to be taken, advance notice must be provided to the Court and other parties.
17. Non-contested adoption review hearings on Mondays at 8:30 a.m. shall continue to be handled ex parte.
18. Cases scheduled on the Legally Free Calendar on the first and third Friday of each month at 3:00 p.m. will continue to be heard. All cases in which an agreed order is reached by the parties may be submitted ex parte for review by the Judge. In contested cases, the parties are encouraged to appear telephonically.
19. Pursuant to Governor Inslee's Proclamation No. 20-33, for any dependency order previously signed by the Court requiring visitation between a child in out of home placement and his or her parent, the Department is hereby granted the authority to modify or limit the visitation previously ordered in response to the COVID-19 emergency, where it finds such modification or limitation is in the best interests of the child. Changes or modifications to visitation shall be documented by the Social Worker and notice to all parties shall be provided by the Department. The Court shall be informed of any such change or modification in the Department's next report to the Court.

CHINS, TRUANCY AND ARY MATTERS IN JUVENILE COURT

20. All Truancy matters are suspended until further Order of the Court.

21. All At-Risk Youth (ARY) and Children in Need of Services (CHINS) matters, except extensions and terminations 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. Requests to terminate ARY/CHINS petitions shall be noted for a telephonic hearings unless an agreed order is submitted to Court. Agreed orders to terminate ARY/CHINS petitions may be submitted ex parte to a Judge at the Denney Juvenile Justice Center.

OTHER MATTERS

22. Motions without oral argument in offender and dependency cases may be submitted for review in chambers at 1:00 p.m. on Monday, Tuesday, Wednesday, and Thursday of each week.

23. Where an in-court hearing will be held, given the need to ensure that those attending hearings can socially distance themselves from other participants or members of the public in the limited space in the DJJC courtrooms, parties awaiting their hearing are requested to wait in the lobby until their case is called through the paging system.

24. The Court may order participants to wear masks in any in-court proceeding.

25. In all cases in which the parties are ordered to appear telephonically, the party or his/her attorney shall provide the Judge's law clerk with a working telephone number at least one (1) day prior to the hearing. The Court will initiate the call at the time of the hearing, or as soon thereafter as possible given the number of cases to be heard. Each party is responsible for being available at the time of the hearing and for a period of up to one hour after that time. Any party not answering a call from the court at the appointed time will be deemed to

have missed the hearing, as though they had not appeared in court. In the event a party does not have access to a telephone, they may appear in the courtroom.

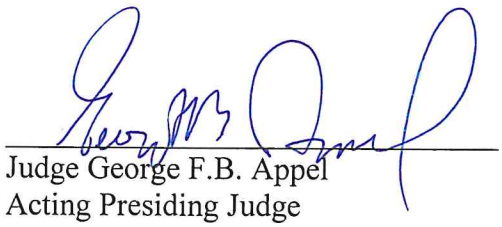
26. Proposed orders continuing hearings and agreed orders shall be submitted to the Judge for signature ex parte.

27. Based on the unforeseen exigent circumstances that exist relating to the COVID-19 public health emergency, the parties may propose orders of continuance and other agreed orders without the signature of their client, except for UFC final family law orders, and the parties and attorneys may use digital signatures as authorized by SCLRGR 30A.

This order repeals and supersedes Snohomish County Superior Court Emergency Orders #3 and #3A. This order supplements Snohomish County Superior Court Emergency Order #5 and future amendments to the same. In the event that Emergency Order #5 is superseded by a future order, this order supplements said order unless specifically provided to the contrary in that future order.

This Order may be further extended or modified.

DATED this 30th day of March, 2020.



Judge George F.B. Appel
Acting Presiding Judge