

IN THE KING COUNTY DISTRICT COURT
FOR THE STATE OF WASHINGTON AND THE CITIES OF AUBURN, BELLEVUE, BEAUX
ARTS, BURIEN, CARNATION, COVINGTON, DUVALL, KENMORE, REDMOND,
SAMMAMISH, SHORELINE, SKYKOMISH AND VASHON ISLAND

IN THE MATTER OF THE EMERGENCY) EMERGENCY
RESPONSE TO THE THREAT TO PUBLIC) ADMINISTRATIVE ORDER
HEALTH.)
) NO. 5-2020
)

This matter comes before the Court on the public health emergency in King County:

WHEREAS, on February 29, 2020, Washington State Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the spread of the coronavirus (COVID – 19); and, on March 13, 2020, President Trump declared a national emergency due to the novel coronavirus (COVID-19) outbreak across the United States; and

WHEREAS, Chief Justice Debra Stephens of the Washington State Supreme Court has issued Orders granting emergency authority upon all Washington courts to adopt, modify, and/or suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency resulting from the COVID-19 pandemic affecting operations of trial courts in Washington State that are currently effective through May 4, 2020; and

WHEREAS, during the state of emergency, the Centers for Disease Control and Prevention and the Washington State Department of Health have recommended stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to stay at home; and

WHEREAS, consistent with these recommendations, Governor Inslee ordered all schools closed and issued a Stay at Home Order for all persons in the State of Washington not engaged in defined essential employment or activities through May 4, 2020, and has issued additional Proclamations that impact court operations and case administration; and

WHEREAS, the King County District Court is a high volume court that handles more than 100,000 cases per year and has several courthouse locations where it is not

possible to adequately follow public health guidelines regarding cleaning and social distancing necessary to be fully operational or open to the public; and, due to public health recommendations regarding vulnerable persons remaining in isolation, the King County District Court has reduced staff and judicial resources, it is therefore necessary for the King County District Court to make modifications to court operations to allow for the orderly transition to a system of work that will allow for implementation of systems and procedures that will meet the directives of the Washington State Supreme Court, the Governor, and Public Health Officials;

NOW, THEREFORE, it is hereby ORDERED:

1. The King County District Court's previously issued Emergency Administrative Orders remain in effect except where superseded by this Order. This Order is effective April 16, 2020 through May 4, 2020 unless otherwise specified in the body of this Order.
2. King County District Court will continue to hear in-custody criminal matters, where charges were brought by the State of Washington, including for Vashon, at the King County Correctional Facility conducted via video from Rm E338 of the Seattle King County Courthouse and in Rm GB of the Maleng Regional Justice Center in Kent. The following hearings shall also be scheduled on these same calendars:
 - a. Out-of-custody second appearance returns on new referrals
 - b. Out-of-custody Review Hearings for Orders to Surrender Firearms issued in criminal cases
 - c. Competency Hearings pursuant to Chapter 10.77 RCW for State cases.
3. SCORE and other in-custody matters where charges were brought by a City contracting with King County District Court for services, and all City out-of-custody second appearances, Competency Hearings, and Review Hearings for Orders to Surrender Firearms issued in criminal cases will be heard in the following locations:
 - a. Cities of Shoreline, Kenmore, Redmond, Bellevue, Sammamish, Carnation, Duvall, Skykomish, and Beaux Arts at the Bellevue Courthouse; and
 - b. Cities of Auburn, Burien, and Covington at the Maleng Regional Justice Center in Kent.

All in-custody hearings will be held via video.

4. All other out-of-custody criminal matters for State and City cases will be scheduled to a date after May 4, 2020 consistent with the provisions set forth in the Washington Supreme Court's March 20 and April 13, 2020 Orders.
5. King County District Court clerk's offices will continue to be open to the public on a limited basis between the hours of 8:30 a.m. and 11 a.m., Monday through Friday, at our Seattle, Maleng Regional Justice Center, and Bellevue Courthouse locations only through at least May 4, 2020. These locations will also be open to the public during all scheduled hearings. Spectator space will be limited due to social distancing requirements. Recordings for any proceeding may be requested by email, by U.S. mail, or in person at any clerk's office location during public hours. Anyone wishing to address the court regarding conditions of release on a scheduled in-custody case may also appear by telephone. If you wish to do so, please call 206-205-9200 in advance of the hearing for instructions.
6. The King County District Court Call Center (206-205-9200) will continue to operate Monday through Friday from 8:30 a.m. to 4:30 p.m.
7. Petitions for Anti-harassment or Stalking Protection Orders will continue to be heard if it is determined to be an emergency. After a review of the Petition or brief telephonic hearing, the Petition is determined not to be an emergency then a Temporary Order will not issue and the matter will be set for a hearing on the merits of the Petition on an available date after May 4, 2020 and with service on the Respondent. Petitions may also be denied following judicial review if it is determined the court does not have jurisdiction to hear the Petition or the Petition is incomplete or otherwise legally insufficient.

Per Governor Inslee's Proclamation 20-45, several statutory provisions relating to Protective Orders are suspended. Therefore, effective April 16, 2020 through May 10, 2020, Temporary Protective Orders issued *ex parte* by a King County District Court Judge that do not affect child custody or exclude a Respondent from their current place of residence, shall be effective for no less than 14 days and no more than 45 days pending a scheduled hearing on the merits and notice to the Respondent. Thereafter, the hearing on the merits may be continued and the *ex parte* Order extended in increments of no more than 14 days (or 28 days if service by mail has been authorized) for good cause shown unless otherwise agreed by the parties. *Ex parte* Orders affecting child custody or removal of a Respondent from their residence shall not exceed 14 days in duration pending transfer to King County Superior Court for further proceedings and service on the Respondent. Personal service of a Respondent is preferred, but alternative forms of service may be authorized as set forth in Proclamation 20-45. No King County District Court

Judge should issue an Order by default unless satisfied that the Respondent has been served with a copy of the Petition, the *ex parte* Temporary Order(s), if applicable, and notice of the hearing date no less than 5 days prior to the scheduled hearing. The burden of proof is on Petitioner to show by a preponderance of the evidence that Respondent was properly served. Domestic Violence, Sexual Assault, and all other Protective where an Order to Surrender Weapons is also issued or removal from a residence is required, shall be served by Law Enforcement. This Order is subject to change as conditions warrant.

8. Petitions for Anti-Harassment or Stalking Orders or Motions to Modify, Recall, or Extend an existing Protective Order issued by King County District Court may be submitted by email at KCDCCOrders@kingcounty.gov or in person during the limited customer service hours at locations set forth above. Electronic filing is strongly encouraged. Petition forms and instructions for electronic filing can be found on the King County District Court's website. Interpreter assistance may be requested by calling the clerk at 206-205-9200. All Protective Order Hearings shall be conducted via telephone or video, if available, unless a Judge determines it is impossible to do so. New Petitions for Domestic Violence or Sexual Assault Protections Orders should be filed in King County Superior Court until May 4, 2020 or further Order of the Court due to District Court staffing shortages.
9. All other King County Courthouse locations (Redmond, Issaquah, Shoreline, Auburn, Vashon, and Burien) will remain closed to the public through at least May 4, 2020. Staff is available to check fax machines and process mail received at all King County District Court locations.
10. Effective April 23, 2020, King County District Court will no longer limit filings to emergency matters only as required in Order 4-2020. All matters not subject to mandatory e-filing may be submitted via email at KCDCCourtFilings@Kingcounty.gov until May 4, 2020 or further Order of the Court. Motions or Pleadings (other than Petitions for Protective Orders) sent to other email addresses will not be processed or filed. When submitting documents for filing via KCDCCourtFilings@Kingcounty.gov, each matter must be sent separately and indicate King County District Court and the proper courthouse location in the caption or it may be returned to the sender. It will help expedite processing if the case number and courthouse location are indicated on the email subject line. Case numbers shall be included on each email filing submitted or it will be returned to the sender. Multiple pleadings attached to a single email submission will be rejected and returned to the sender for proper resubmission. Pleadings submitted by counsel, or on behalf of counsel, not properly signed or that otherwise fail to comply with

applicable court rules or statutes will be returned. Although electronic filing is strongly encouraged, filings will also be accepted via U.S. Mail, fax, or in-person during the limited clerk office customer service hours.

11. Effective April 23, 2020, the temporary suspension of King County District Court mandatory e-filing is lifted and the e-filing portal will be open for filing, EXCEPT for the setting of in-court hearings or filing of documents prohibited by Governor Inslee's Proclamation No. 20-49 in effect through May 14, 2020. Interest calculations or affidavits must also clearly set forth any applicable period of suspended interest accrual mandated by Proclamation 20-49. The setting of In-court hearings remains suspended until at least May 14, 2020 or further Order of the Court unless determined to be an emergency and authorized by a Judge in writing. Motions and Proposed Orders for emergency hearings should be filed through the e-filing portal and the submitting party should then notify the clerk that the Motion has been filed so it can be expedited for Judicial review. If a hearing is authorized, it shall be conducted telephonically.
12. New Small Claims lawsuits will be accepted for filing, but hearing dates may be scheduled several months out. Small Claims mediations may be conducted via telephone or video prior to the scheduled Pretrial Hearing through the Dispute Resolution Center.
13. King County District Court will continue its After Hours Search Warrant procedures. Law enforcement may call the court at 206-205-9200, Monday through Friday between the hours of 8:30 and 4:30, for electronic judicial review of search warrants. Law Enforcement should continue to file search warrant returns via email at KCDCSearchWarrants@kingcounty.gov.
14. King County Probation and Compliance Monitoring resumed effective April 13, 2020. Probation appointments scheduled between April 13, 2020 and June 30, 2020 shall be held via telephone unless otherwise directed by the supervising Probation Officer. Probation appointments cancelled during the suspension period may be rescheduled by the Probation Officer without further need of judicial approval. Defendants may receive notice of their probation appointment by U.S. mail, electronically or phone. Defendants may also call their Probation Officer to schedule their next appointment. Defendants shall continue to comply with all conditions of sentence unless it is impossible to do so due to circumstances beyond the control of the Defendant. If self-help attendance is required, probationers may attend on-line self-help groups through June 30, 2020.

15. All Law Enforcement filings of Infractions will be processed consistent with the temporary suspension of time requirements authorized by the Washington State Supreme Court and King County District Court Administrative Orders. Defendants requesting an in-person hearing for traffic infractions, parking tickets, camera tickets, false alarm tickets, and tow hearings where the car is no longer in impound will be set to a date after May 4, 2020. All in-person hearings scheduled prior to May 4, 2020 will be rescheduled and new notice mailed. King County District Court will continue to process all on-line Mitigation or Deferral requests and all Contested or Mitigation Hearing responses submitted by mail. Camera tickets, parking tickets, false alarm, and tow hearings, where the car is not still in impound, scheduled prior to May 4, 2020 will be rescheduled and new notice mailed. All currently scheduled hearings remain subject to change beyond May 4, 2020 and parties are encouraged to call 206-205-9200 or check the King County District Court website prior to coming to court for updated information.

16. Interpreters scheduled for a hearing or authorized for a King County Office of Public Defense Interview, except for sign language Interpreters, shall only appear by telephone or video unless authorized for an in-person appearance by a Judge. Except for sign language interpretation, all interpreter jobs posted on the interpreter website shall be for telephone or video appearance only unless specifically authorized as an in-person assignment. No King County District Court Judge shall authorize in-person interpretation, except for sign language interpretation, for a civil or non-emergent criminal matter. Judges may authorize in-person interpretation for a criminal matter if it has been determined on the record or in written findings that no other reasonable alternative is available to prevent material prejudice to the Defendant. If a scheduled assignment is subsequently changed to an in-person assignment, the Interpreter Coordinator shall immediately notify the assigned Interpreter to allow the interpreter the opportunity to decline the job. Interpreters classified by CDC COVID-19 guidelines as high-risk or vulnerable persons are discouraged from accepting in-person assignments. If an interpreter is scheduled to appear in-person, 6-foot social distancing and all other CDC guidelines shall be followed except for the wearing of face masks if it would interfere with the ability to effectively or accurately interpret.

17. All King County District Court Ordered Commitments for King County Work Crew, King County Electronic Home Monitoring, or CCAP scheduled for report or intake between March 13, 2020 and June 12, 2020 are hereby extended for 90 days from the original report or intake date indicated on the Commitment Order. If the report or intake date falls on a weekend or holiday, the new report date shall be the next business day. For Defendants who

were unable to complete their King County Work Crew or CCAP commitment due to the COVID-19 emergency, King County Work Crew and CCAP personnel are hereby authorized to reschedule Defendants for completion of the applicable program commitment for up to 90 days following the resumption of operations. Defendants with report dates for jail or other programs not specified herein may Petition the Court for an extension.

18. Consistent with the Washington State Supreme Court's Emergency Orders and the Governor's COVID-19 related Proclamations for all hearings and matters currently pending that are delayed by effect of this Order, and all delays/continuances by effect of King County District Court's Prior Orders 1-2020 through 4-2020, are made for good cause in light of this ongoing health crisis and shall be excluded periods for purposes of Speedy Trial, CrRLJ 3.3, CrRLJ 4.1, IRLJ 2.2, IRLJ 2.4, IRLJ 2.6, and any other applicable court rule, Order of the Washington State Supreme Court, or applicable Proclamation of the Governor. The Court finds that COVID - 19 presents a significant danger to the public at large and constitutes an unavoidable and unforeseen circumstance beyond the control of the Court or the parties that appear before the Court. It is Further Ordered all scheduled hearings delayed by this Order shall be rescheduled and notice sent via U.S. mail to the last known address of the necessary parties. Any party needing to update their mailing address should contact the court clerk at 206-205-9200.

This order may be modified consistent with the Court's continual assessment of the needs of the community as well as the recommendations of public health officials.

DATED this 16th day of April, 2020.


Judge Susan Mahoney,
Chief Presiding Judge
King County District Court