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

IN THE MATTER OF THE EMERGENCY RESPONSE TO THE THREAT TO PUBLIC HEALTH.	))))	AMENDED EMERGENCY ADMINISTRATIVE ORDER NO. 8-2020

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 novel 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, the novel coronavirus is highly contagious with no known treatments or vaccine available, and in response, federal, state, and local governments have enacted unprecedented restrictions on the movement and gathering of the population; and,

WHEREAS, in response to the COVID-19 pandemic, the U.S. Centers for Disease Control and Prevention (CDC) and the Washington State Department of Health have recommended strict social distancing measures of at least six feet between people, the wearing of appropriate facial coverings of the nose and mouth, and encouraged vulnerable individuals to stay at home to mitigate the spread of the virus; and,

WHEREAS, consistent with these recommendations, Governor Inslee has taken statewide emergency actions to mitigate the spread of the virus, and many restrictions on movement, social gatherings, and business operations remain in place; and,

WHEREAS, Chief Justice Debra Stephens of the Washington State Supreme Court has adopted several Emergency Orders granting authority upon all Washington courts to adopt, modify, and/or suspend court rules and orders, and to schedule hearings and take further action, as warranted, to address the public health threat

posed by COVID-19 in a manner consistent with all CDC and public health guidelines to safely continue court operations; and,

WHEREAS, courts are an independent and essential branch of government integral to a functioning democracy and provide for the orderly and lawful resolution of disputes, and play an essential role in maintaining public safety and in protecting and ensuring the equal and unbiased application of the law and adherence to the State and Federal Constitutions; and,

WHEREAS, the novel coronavirus 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; and,

WHEREAS, King County District Court is committed to the fair and equal treatment of all persons and to following principles of equity and social justice to ensure due process and equal access, free of economic or procedural barriers, for all persons, regardless of their circumstances; and,

WHEREAS, during this public health emergency, the health and welfare of all individuals must be considered in the continued operations of courts, and the following of public health and CDC guidelines are critical to providing a safe environment for all who enter or work in courthouse facilities; and,

WHEREAS, providing for alternatives to in-person court appearances whenever appropriate, and reducing the number of people who come into the courthouse, is necessary to reduce the spread of the virus and protect persons who are deemed to be particularly vulnerable to COVID-19; and,

WHEREAS, the King County District Court is a high volume court that handles more than 100,000 cases per year in multiple courthouse locations where it is not possible to adequately follow public health guidelines regarding cleaning and social distancing without modifications to court operations and facilities, therefore, King County District Court must modify its court operations in order to meet the directives of the Washington State Supreme Court, the governor, and public health officials;

NOW, THEREFORE, it is hereby ORDERED:

1. King County District Court continues to operate under a State of Emergency. The King County District Court's previously issued Emergency Administrative Orders remain in effect, except where the provisions of any prior Order(s) are inconsistent with this Order, this Order controls.

Health and Safety

2. All persons shall wear masks or other appropriate facial covering of the mouth and nose when entering and remaining in any King County District Court location unless they have a precluding health condition or disability, are a child five (5) years of age or younger, or are allowed to temporarily remove the facial covering at the direction of the courtroom judge when necessary to facilitate effective communication. All persons shall strictly adhere to all directions and markings to ensure social distancing. All persons who enter any district court courtroom must maintain six (6) feet of distance between themselves and anyone who is not a member of their household. The number of persons allowed into a courtroom at any one time shall be limited. The courtrooms are marked to indicate allowable seating and places to stand when moving about the courtroom.

3. Hand sanitizer will be available in every courtroom, and frequent handwashing is encouraged. Courthouse locations will be cleaned daily, and frequently touched surfaces inside the courtrooms and public clerk's office areas will be wiped down with an appropriate cleaning agent multiple times throughout the day.

4. ***Persons who are ill, or who have recently been exposed, or who reside with persons who are ill, must remain home***. If signs of illness are detected, you may be refused entry or be asked to leave. If you are ill, have been recently exposed to someone who has tested positive for the corona virus, or reside in a household with someone who is ill, please call the court at 206-205-9200 to reschedule your court date. Persons who have been deemed particularly vulnerable to the novel coronavirus, should also consider whether it is safe for them to enter a public courthouse and may call the court to reschedule their court date or to ask about available alternatives if an in-person appearance is scheduled. For those persons needing a continuance due to illness or vulnerability, the procedural requirement of filing such a request in writing is hereby suspended until the COVID -19 health emergency ends.

Location and Operation Changes

5. The following King County District Court locations are closed to the public or offer reduced services:

Issaquah District Court will remain closed to the public until further notice.

Burien Courthouse will remain closed until August 3, 2020. Effective August 3, 2020, the Burien Courthouse will be open to the public to attend scheduled court hearings and for customer service and acceptance of Petitions for Protection Orders. The clerk's office will be open Monday through Friday from 8:30 a.m. to 4:00 p.m. and closed from noon to 1:00 p.m. for the lunch hour. All hearings for Protection Orders will be scheduled for a hearing at the Maleng Regional Justice Center in Kent. All City of Burien criminal and infraction calendars, including in-custody video hearings from the SCORE jail, will continue to be scheduled at the Maleng Regional Justice Center in Kent through August 1, 2020. Effective August 3, 2020 all City of Burien calendars will again be scheduled in the Burien Courthouse location.

Auburn Courthouse location will remain closed except for scheduled jury trials for the cities of Covington or Auburn. The Auburn Courthouse will be open to the public only while a jury trial is in session. The Auburn Courthouse clerk's office will remain closed. Except for jury trial(s), all other City of Auburn and City of Covington matters will be scheduled at the Maleng Regional Justice Center in Kent until further notice.

Redmond and Shoreline Courthouse locations will be open to the public during scheduled court hearings. The clerks' offices remain closed.

6. Criminal and Infraction hearings will be scheduled in the following alternate locations:

City of Auburn: All City of Auburn criminal matters, including in-custody hearings conducted via video from SCORE, and all City of Auburn infraction cases will be scheduled at the Maleng Regional Justice Center in Kent, 401 4th Avenue N, Kent, WA. Jury Trials will be scheduled in the Auburn Courthouse. The Auburn Courthouse will remain closed to the public except for during scheduled Jury Trials.

City of Burien: All City of Burien criminal matters, including in-custody hearings conducted via video from SCORE, and all City of Burien infraction cases will be scheduled at the Maleng Regional Justice Center in Kent through August 1, 2020. Effective August 3, 2020, all City of Burien matters will be scheduled at the Burien Courthouse.

City of Carnation: All City of Carnation criminal matters, including in-custody hearings conducted via video, and all City of Carnation infraction cases will be scheduled at the Bellevue Courthouse until further notice.

City of Covington: All City of Covington criminal matters, including in-custody hearings conducted via video from SCORE, and all City of Covington infraction cases will be scheduled at the Maleng Regional Justice Center in Kent. City of Covington Jury Trials will be scheduled in the Auburn Courthouse. The Auburn Courthouse will remain closed to the public except for during scheduled Jury Trials.

City of Sammamish: All City of Sammamish criminal matters, including in-custody hearings conducted via video, City of Sammamish Jury Trials, and all City of Sammamish infraction hearings will be scheduled at the Bellevue Courthouse until further notice.

City of Beaux Arts, Bellevue, Duvall, Redmond, and Skykomish hearings will be scheduled in their regularly assigned locations except for Jury trials. Jury Trials will be scheduled at the Bellevue Courthouse location.

All City of Shoreline and Kenmore criminal and infraction hearings, including criminal Jury Trials will be scheduled at the Shoreline Courthouse.

State of Washington: All criminal cases brought by the State of Washington will be scheduled in their regularly assigned locations. State of Washington, Sound Transit, or Wildlife infraction hearings may be scheduled in alternate locations as indicated on the Notice of Hearing. Vashon court remains suspended. Until Vashon calendars resume, all Vashon cases will be scheduled at the Maleng Regional Justice Center.

7. Community Court resource centers and new referrals to Community Court remain suspended until further notice. Until Community Court fully resumes, hearings or check-ins may be conducted by telephone, video, or in-person at the appropriate courthouse location.

8. Effective July 6, 2020, the Seattle, Maleng Regional Justice Center in Kent, and Bellevue Courthouse clerks' offices will be open for customer service, Monday through Friday, from 8:30 a.m. to 4:00 p.m. but will close between noon and 1:00 p.m. each day for the for the lunch hour. Effective August 3, 2020, the Burien Courthouse clerk's office will re-open to the public during the same hours.

9. All King County District Court courtrooms will be open to the public during scheduled hearings. Spectator space will be limited due to social distancing requirements. Recordings for any proceeding may be requested by email, in writing through the U.S. mail, or in person at any clerk's office location during open public hours. Anyone wishing to address the court regarding conditions of release on any

criminal matter, including for matters scheduled in-custody, are strongly encouraged to appear by video, if available, or by telephone, but may also attend any hearing in-person. If you wish to appear remotely, please call 206-205-9200 in advance of the hearing, for instructions.

10. 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.

11. Pursuant to the authority granted by the Washington State Supreme Court Emergency Orders, King County District Court will accept filings not subject to mandatory e-filing by email at KCDCCourtFilings@Kingcounty.gov . Filings (except Petitions for Protective Orders) sent to other email addresses **may not be processed or returned to the sender for proper filing**. When submitting documents for filing by email, each matter must be sent by separate email and indicate King County District Court and the proper courthouse location, or it may be returned to the sender. 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. Filing by email is strongly encouraged.

12. **Zoom (video or telephone) Hearings:** Pursuant to the Washington Supreme Court Emergency Orders, King County District Court hearings may be conducted by video or telephone using the Zoom platform as authorized pursuant to the provisions of this Order.

Criminal Pretrial and Jury Readiness Hearings: For criminal cases, only pretrial and jury readiness hearings may be conducted by telephone using Zoom. Defendants may appear by telephone, video, or in person for these hearings.

Criminal Arraignments, Motions, Trials, Dispositions (pleas and sentencings), Reviews, Other: For hearings other than pretrial or jury readiness, defendants will be summoned to appear in person, but may appear by video if authorized by the court in advance of the scheduled hearing date. Telephone hearings are not permitted for these types of hearings. Defendants should contact their attorney for information regarding video appearances. If a defendant is self-represented, please call 206) 205-9200 for information on how to request a video appearance.

Even when permitted, video or telephone hearings for *criminal matters* are voluntary and defendants may choose to appear in person for any scheduled court date.

Attorneys may appear by video image for all hearings, except for testimonial motions or trials, so long as the hearings can be conducted without undue courtroom delay and do not adversely impact the rights of the defendant. **No one should appear in-court if they are ill or residing in a household with someone who is ill. Please call the court at 206) 205-9200 to reschedule your hearing.**

Civil cases (civil, small claims, infractions, impounds, protective orders): For all civil cases, except for jury trials, all hearings will be conducted by video or telephone using the Zoom platform unless otherwise authorized to appear in person by the court prior to the scheduled hearing date. If a party does not have access to video or a telephone, or have another issue making video or telephone appearance impracticable, they should contact the court at 206) 205-9200 for additional information and options. Non-Party witnesses called to testify in civil cases, including for contested accident infraction hearings, may appear by video, telephone, or in person unless otherwise ordered by the court. The party issuing the subpoena or requesting the witness is responsible for notifying the witness of their options to appear. Information on virtual appearance will be included with all court-issued subpoenas.

Information on how to attend a civil hearing by video or telephone will be included in all court notices to appear and can also be located on the King County District Court website at www.kingcounty.gov/courts/districtcourt click the virtual hearing "Zoom" box on the front page. Parties will also be able to access their hearing directly from the website.

Electronic Signatures

13. King County District Court adopts the electronic signature and alternative notification provisions set forth in the Washington State Supreme Court's May 29, 2020 Order as currently provided therein, or hereafter amended.

Criminal Proceedings

In-Custody

14. All in-custody matters, excluding testimonial motions and trials, will be heard via video, except for matters scheduled in Rm. GB of the Regional Justice Center in Kent. Matters scheduled to be heard at the King County Correctional Facility in downtown Seattle will be conducted via video from King County Jail Courtroom No.1 to Rm E338 of the Seattle King County Courthouse. The spectator galleries for both courtrooms will be open to the public during scheduled hearings Monday through Friday. Due to Seattle Courthouse security staffing, Seattle jail calendars scheduled on Saturdays or holidays, only the jail gallery will be open to the public. All SCORE or Issaquah Jail in-custody proceedings will be broadcast to open courtrooms at locations as set forth in Paragraph 6 above. All parties may appear via video for these hearings.

15. In-custody defendants who are ill or exhibiting signs of illness shall not be transported to any King County District Court location at any time.

Out-of-Custody

16. Out-of-Custody criminal matters will be conducted in courthouse locations as set forth in paragraph 6 above and may be conducted by telephone, video, or in person when appropriate as set forth in paragraph 12. Prosecutors may appear via video image (not telephone) for all non-testimonial hearings unless a court orders otherwise, but remain responsible for the serving or filing of all appropriate paperwork, including those pleadings requiring a signature, prior to the scheduled court hearing. Defense counsel may also appear by video image for all non-testimonial hearings so long as they have a plan in place to confidentially consult with their client if the client chooses or is required to appear in person. Defendants may appear by telephone or video for pretrial or jury readiness hearings. Defendants will be summoned to appear in person for all other types of hearings. Defendants wishing or needing to appear by video for hearings other than pretrial or jury readiness, should call their attorney to discuss their options. Self-represented defendants may call 206) 205-9200 for information regarding appearance options and procedures. If permitted to appear by video or telephone, instructions for Zoom and virtual courtroom links or telephone numbers for Zoom entry can be located on the King County District Court Website. Please check your hearing notice for your scheduled courtroom.

17. The number of hearings scheduled during any court session will be limited to allow for strict adherence to social distancing. All hearings must be conducted in a manner that reasonably allows for all parties to adequately communicate and for a defendant and their attorney to have continual private communications. Attorneys are expected to appear in person, if necessary, to facilitate a full and fair hearing.

18. Pretrial Conferences may be continued by Agreed Order prior to the scheduled court date. If submitted and granted in advance of the scheduled hearing, the hearing will be struck from the calendar and the attorneys will be notified. Parties scheduled for a pretrial or jury readiness hearing ready to enter a Disposition may contact the court or file a motion requesting to be re-scheduled onto a Disposition Calendar. The expectation will be for sentencings to occur immediately after entry of the plea unless good cause exists to continue it to a separate date. For cases that will require a chemical dependency evaluation, the King County District Court practice of waiting for the evaluation to be completed prior to a sentencing will be suspended for most cases until the Public Health State of Emergency comes to an end. Dispositions (pleas, stipulated orders of continuance, deferred prosecutions) must be scheduled for a separate court date and will not be allowed on the Pretrial or Jury Readiness date except for those cities with limited calendar capacity or the interests of justice otherwise require. Dispositions shall not be

conducted by telephone appearance but may be conducted by video if authorized by the court in advance of the scheduled court date.

Probation

19. Probation appointments will be conducted by telephone or video, unless otherwise directed by the supervising probation officer. Effective August 3, 2020, initial intake appointments or pre-sentence interviews may be conducted in person at an available location. Defendants may receive notice of their probation appointment via mail, email, or phone. Defendants should continue to comply with all conditions of sentence unless it is impossible to do so due to circumstances beyond the control of the defendant. Probationers may attend on-line self-help groups, certified treatment classes, including Alcohol Drug Information School (ADIS), and King County approved DUI victim panels, as approved by the probation officer until further Order of the Court.

20. 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 July 6, 2020, are hereby extended for up to 120 days from the original report or intake date indicated on the Commitment Order. 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.

CIVIL PROCEEDINGS

Protection Orders

21. New Petitions for Anti-harassment or Stalking Protection Orders or Motions to Modify, Extend, or Recall any type of Protective Order previously issued by a King County District Court may be submitted by email at KCDCOrders@kingcounty.gov or in person at the Seattle, Maleng Regional Justice Center, or Bellevue Courthouse locations. Effective August 3, Petitions may also be submitted at the Burien location. **Electronic filing is strongly encouraged whenever possible.** New Petitions for Domestic Violence Protection Orders or Sexual Assault Protection Orders (SAPO) may be filed with King County Superior Court. For eastside residents, these Petitions may also be filed and scheduled at the Bellevue Courthouse locations. Due to staffing shortages, persons applying for Domestic Violence Protective Orders may need to be referred to file in Superior Court. All King County District Court Protective Order hearings will be scheduled at the Seattle, Maleng Regional Justice Center, or the Bellevue Courthouse locations.

Petition forms and instructions for electronic filing can be located 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, unless it is impracticable to do so.

22. Consistent with the May 29, 2020, Order of the Washington State Court and emergency provisions enacted by the Washington State Legislature, alternative service of Protective Orders and Notices of Hearings may be authorized by the court. Personal service remains preferred and is required in certain cases. Alternative service is authorized only by the Supreme Court's May 29, 2020 Order. No Protective Order shall issue by default unless the court is satisfied the Respondent has been served with a copy of the Petition, Temporary Order(s), if applicable, and Notice of the hearing date no less than 5 days prior to the scheduled hearing. Petitioner has the burden of proof to show by a preponderance of the evidence that Respondent was served. Domestic Violence, Sexual Assault, and all other Civil Protective Orders with an Order to Surrender Firearms, shall be served by Law Enforcement. This Order is subject to change as conditions warrant.

eCourt

23. Civil matters subject to mandatory e-filing shall be submitted electronically through the online portal, EXCEPT that the setting of motion hearings through the portal remains suspended until August 17, 2020. Once the option to self-schedule a hearing reopens, the first available hearing dates will begin in September. Once hearings resume, all parties must appear by video or telephone using the Zoom platform, unless it is impracticable to do so or otherwise authorized by the judge prior to the scheduled hearing date. The party setting the motion date shall properly notify the other party(s) of the hearing location, date, and time, but must also provide instructions for appearing remotely. A sample instruction form will be added to the civil section of the King County District Court website. To comply with public health recommendations, hearing dates may be scheduled at alternate locations and hearing spots will be reduced. Due to capacity limitations, even after the portal reopens for self-scheduling, parties may still seek to schedule matters of a time sensitive or emergent nature. Motions and Proposed Orders to request an emergent in-court hearing shall 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 via Zoom video or telephone unless impracticable to do so. Parties shall comply with all emergency Proclamations of the Governor and Legislative Enactments when filing court pleadings or scheduling hearings.

24. Due to public health considerations and the need to prioritize criminal cases once jury trials resume, all Civil Jury Trials are suspended through at least September 30, 2020. A settlement conference may be scheduled with the court after July 6, 2020. All conferences will be conducted via Zoom videoconference.

Small Claims

25. New Small Claims lawsuits may be filed; however, hearing dates may be delayed due to courtroom capacity and location limitations. All parties are required to participate in mediation prior to the trial date unless waived by a judge. Mediations may be conducted by telephone or video through the Dispute Resolution Center (DRC) until public health conditions allow for the resumption of courthouse mediations. Small Claims trials and pretrial hearings shall be conducted via video or telephone unless impracticable to do so. Parties wishing to appear in person must receive permission of the judge prior to the scheduled hearing date.

Infractions, Tow Hearings, and False Alarm Citations

26. All Law Enforcement filings of Infractions will be accepted and processed consistent with the temporary suspension of time requirements authorized by the Washington State Supreme Court and King County District Court Administrative Orders.

27. Defendants requesting a hearing on any type of infraction, false alarm citation, or tow impound where the vehicle is not still in impound, will be mailed a date to appear by telephone or video using the Zoom platform as set forth in paragraph 12 unless it is impossible to do so. Parties wishing to appear in person must seek permission from the court no less than 5 business days prior to the scheduled hearing date and must appear by telephone or video unless the court authorizes a party to appear in person. King County District Court will continue to process and review all Contested, Mitigation, or Deferral requests filed online or submitted by mail. If a non-party witness is required to testify, they may appear in person, by telephone, or by video. The party calling the witness is responsible to notify the witness of their options. Any court issued subpoena will contain instructions for remote appearance. All hearing dates are subject to change, so parties are encouraged to check for updated information prior to coming to court, by calling 206-205-9200 or checking the King County District Court website. Anyone receiving a hearing date in the mail prior to June 1, 2020 for any type of infraction hearing should disregard the notice because that hearing date has been cancelled due to issues arising from the continued public health emergency. A new hearing date will be mailed to the last known address on file. Contact information may be updated by calling 206-205-9200.

Interpreters

28. Interpreters scheduled for a hearing or authorized for a King County Office of Public Defense Interview, except for sign language interpreters, shall appear by telephone or video unless authorized to appear in person by a judge in writing. Interpreters should not appear in person unless a judge has determined that no other reasonable alternative is available to prevent material prejudice to a party. If a scheduled assignment is changed from a remote appearance to an in-person appearance after a job is accepted, the Interpreter Coordinator shall immediately notify

the assigned interpreter to allow the interpreter an opportunity to decline the job. This provision remains in effect until further Order of the Court.

Search Warrants

29. 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.

Passports

30. Passport services remain suspended until such time as it is safe for the court to resume normal operations.

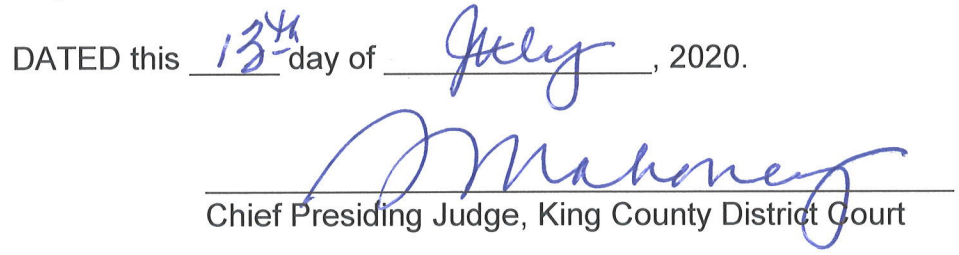
Other Provisions

31. Consistent with the Washington Supreme Court's Emergency Orders and the Governor's COVID-19 related Proclamations, all hearings, matters, or new complaints filed between March 18 and July 6, 2020, that are delayed as a result of this or any prior King County District Court Emergency Administrative Order, are made for good cause in light of the 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.

It is Further Ordered that 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, unless otherwise provided for in this Order. Any party needing to update their mailing address should contact the court clerk at 206-205-9200.

This Order remains in effect through September 30, 2020 and may be extended or 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 13th day of July, 2020.



Chief Presiding Judge, King County District Court