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FILED
KING COUNTY WASHINGTON

JAN 11 2021

SEA
SUPERIOR COURT CLERK

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

IN THE MATTER OF THE RESPONSE BY
KING COUNTY SUPERIOR COURT TO THE
PUBLIC HEALTH EMERGENCY IN
WASHINGTON STATE

No. ~~20-0-12050-5~~ 21-0-12050-3

EMERGENCY ORDER # 26
RE: JUVENILE OFFENDER
OPERATIONS INCLUDING OUT-OF-
CUSTODY FACT FINDING HEARINGS

This matter comes before the Court on the public health emergency in Washington State.

The King County Superior Court incorporates Emergency Orders 1 through 25 and now enters a revised order regarding procedures governing juvenile offender operations, including out-of-custody Fact Findings, during the public health emergency. **This Order is effective January 8, 2021. Where inconsistent, this Order supersedes all prior Emergency Orders governing juvenile offender operations, including Emergency Orders #12, Amended #22 & #23.**

I. FINDINGS

1. This Order incorporates by reference paragraphs one through seven of Emergency Order #23 and paragraphs nine through twelve of Emergency Order #25.

II. ORDER

1. As to Court operations generally, the Juvenile Court is authorized to take all necessary steps to ensure all matters and hearing types proceed with as few people physically present in the courtroom as possible.

2. All out-of-custody juvenile offender Fact Finding Hearings shall be suspended through the close of business on January 29, 2021. The Court will continue to conduct Omnibus

1 Hearings, Pre-Trial Conferences and other hearings between this date and January 29 consistent
2 with public health guidelines.

3 3. All out-of-custody juvenile offender Fact Finding Hearings shall be restarted
4 Monday, February 1, 2021. The Court may extend or suspend the restart date if public health data
5 warrants it.

6 4. For any matter currently scheduled for a Fact Finding Hearing between January 11,
7 2021 and January 29, 2021, counsel on those matters may move for an exception to the continuance
8 described in the preceding paragraphs based on (a) actual prejudice their client may suffer by such
9 a delay (*e.g.*, unavailability of witnesses after January 29), and/or (b) how such a trial could be
10 conducted safely (*e.g.*, consent to witnesses or lawyers appearing by virtual means). If counsel
11 declines to so move or the Court denies such a motion, then the Court and the parties will
12 reschedule the Omnibus Hearings, Pre-Trial Conference or Fact Finding Hearings as appropriate
13 consistent with this order.

14 5. Balancing the Court's need to maintain public health and safety against the Court's
15 core constitutional obligations to the public, this Order does not apply to in-custody offenders
16 awaiting Fact Finding Hearings.

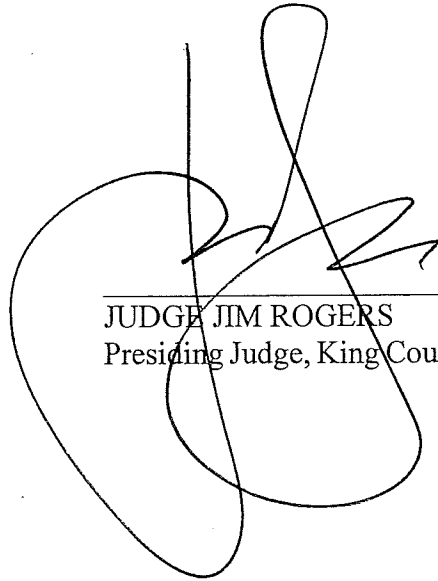
17 6. A continuance of out-of-custody Fact Finding Hearings is required in the
18 administration of justice. Based upon the Court's findings that the serious danger posed by
19 COVID-19 is good cause to continue such proceedings, and that COVID-19 constitutes an
20 unavoidable circumstance under JuCR 7.8(e)(8), the time between November 20, 2020 (per
21 Emergency Order #22 and #23) and the close of business January 29, 2021 is EXCLUDED when
22 calculating time for trial. JuCR 7.8(e)(8).

23 7. This Court shall review all relevant public health information again no later than
24 **January 20, 2021**, on the issues of speedy trial and unavoidable circumstance, to determine if the

1 health risks presented by coronavirus pandemic continue and require a further extension of this
2 Order.

3
4 **IT IS SO ORDERED.**

5 Dated: January 11, 2021

A large, stylized handwritten signature in black ink, appearing to read 'JR', is written over a horizontal line. The signature is highly cursive and loops around the line.

6 JUDGE JIM ROGERS
7 Presiding Judge, King County Superior Court
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