

FILED
KING COUNTY WASHINGTON

JAN 22 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. 21-0-12050-3

EMERGENCY ORDER # 29
RE: JUVENILE OFFENDER
OPERATIONS INCLUDING OUT-OF-
CUSTODY FACT FINDINGS

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

The King County Superior Court incorporates Emergency Orders 1 through 27 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 February 1, 2021. Where inconsistent, this Order supersedes all prior Emergency Orders governing juvenile offender operations, including Emergency Order #12, #23 and #26.** This Order is in effect through the close of business on February 26, 2021.

I. FINDINGS

1. This Order incorporates by reference the relevant paragraphs of Emergency Orders #23 and #26, as well as the relevant findings in Emergency Orders #25 and #27.

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 persons physically present in the courtroom as possible.

1 2. All out-of-custody juvenile offender Fact Findings shall be suspended through the
2 close of business on February 26, 2021. The Court will continue to conduct Omnibus Hearings,
3 Pre-Trial Conferences and other hearings on all such matters between this date and February 26.

4 3. Out-of-custody juvenile offender Fact Findings may be restarted no earlier than
5 Monday, March 1, 2021. This resumption is subject to review, and the Court may extend this
6 suspension if public health data warrants it. If the current trends in the public health data continue,
7 the Court hopes and expects this suspension will be the last suspension of out-of-custody fact-
8 findings.

9 4. For any matter currently scheduled for Fact Finding between this date and February
10 26, 2021, counsel on those matters may raise arguments as to (a) actual prejudice their client may
11 suffer by such a delay (*e.g.*, unavailability of witnesses after February 26), and/or (b) how such a
12 trial could be conducted safely (*e.g.*, consent to witnesses or lawyers appearing by virtual means),
13 and move for an exception to the continuance described in the preceding paragraphs. If counsel
14 declines to so move or the Court denies such a motion, then the Court and the parties will
15 reschedule the Omnibus Hearings, Pre-Trial Conference or fact findings as appropriate consistent
16 with this Order. For all matters with Fact Findings set February 1 or later, the Court will initiate
17 the rescheduling of all such hearings.


18 5. Balancing the Court's need to maintain public health and safety against the Court's
19 core constitutional obligations to the public, this Order does not apply to in-custody offenders
20 awaiting fact finding.

21 6. A continuance of out-of-custody Fact Findings is required in the administration of
22 justice. Based upon the Court's finding that the serious danger posed by COVID-19 is good cause
23 to continue such proceedings, and constitutes an unavoidable circumstance under JuCR 7.8(e)(8),
24 the time between November 20, 2020 (per Emergency Order #23) and the date of the next
25 scheduled hearing or trial date are EXCLUDED when calculating time for trial. JuCR 7.8(e)(8).
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1 7. This Court shall review all relevant public health information again no later than
2 **February 17, 2020**, on the issues of speedy trial and unavoidable circumstance, to determine if
3 the health risks presented by coronavirus pandemic continue and require a further extension of this
4 Order.

5 **IT IS SO ORDERED.**

6 Dated: January 22, 2021

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8 JUDGE PATRICK OISHI
9 Assistant Presiding Judge
10 Acting Presiding Judge
11 King County Superior Court
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