



**SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE**

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

Case No. 94-2-06940-8

EMERGENCY ORDER #1

WHEREAS, the Governor of the State of Washington has declared a state of emergency in all counties of Washington due to the public health emergency caused by the Coronavirus Disease 2019 (COVID-19); and

WHEREAS, The Commissioners of Spokane County, the Mayor of Spokane City and the Spokane Regional Health District have also declared a state of emergency in Spokane County due to the same public health concerns; and

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-B-602 granting emergency authority to this Court to adopt, modify, and suspend court rules and order, and to take further actions concerning court operations, as warranted to address the current state of emergency;

NOW, THEREFORE, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY:

1. Anyone showing signs of illness or feeling ill SHALL NOT enter the Spokane County Superior Court Courtrooms or Superior Court offices. Anyone deemed by the Court of staff to exhibit illness symptoms may be ordered to leave the building.

2. Criminal Jury Trials

- a) It is necessary to suspend jury summons for public health reasons under the current emergency. Jury summons are suspended until April 27, 2020. The jury personnel for Spokane County Superior Court shall call off jurors summoned immediately. The Court will conduct no criminal jury trials until at least April 27, 2020.

- b) For all pending Spokane County Superior Court criminal cases, under CrR 3.3, it is the Court's obligation to ensure compliance with the applicable time for trial rules.
- c) The Court, upon its own motion, concludes a continuance in these criminal jury trials are necessary for the administration of justice.
- d) All criminal jury trials scheduled to begin March 16, 2020 through April 24, 2020 shall be continued until Monday, April 27, 2020.
- e) The Court finds that as of March 16, 2020 this serious danger posed by the virus is good cause to continue criminal jury trials and constitutes an unavoidable circumstance under CrR 3(e)(8).
- f) Based upon the court's finding that the serious danger posed by the virus is good cause to continue criminal jury trials and constitutes an unavoidable circumstance under CrR 3(e)(8), the time between the date of this order and the date of the next scheduled trial date are EXCLUDED when calculating time for trial. See CrR 3.3(e)(3).

3. Criminal Court Appearances

- a) All in-custody criminal hearings, excluding trials, shall proceed as scheduled.
- b) All out-of-custody criminal court hearings, excluding arraignments and first appearances, are suspended until at least April 27, 2020.
- c) The Court will continue to hear criminal motions and guilty plea and sentencing hearings.

4. Civil Jury Trials.

- a) The Court will conduct no civil jury trials until at least May 26, 2020.
- b) All civil, Sexually Violent Predator, and Involuntary Treatment Act trials with a trial date before April 24, 2020 are continued to a new trial date after May 26, 2020.

5. Civil Status Conferences, Pretrial Hearings and Motions.

- a) All civil status conferences will be handled by the judicial assistant telephonically or via email.
- b) All civil pretrial hearings will be conducted telephonically or rescheduled.
- c) All civil motions will be heard telephonically or decided on the briefing at the discretion of the Judge. Parties will coordinate with the judicial assistant to arrange for telephonic oral argument.

6. Bench Trials. All criminal and civil bench trials, including family law trials, are continued until April 13, 2020.

7. Family Law Motions. Only motions pertaining to emergent issues will be heard until April 24, 2020. Determination of the emergency nature of the motion will be made by judicial officers, who have authority to do any of the following:

- a) Strike a motion that is not emergent;
- b) Continue a motion until after April 24, 2020;
- c) Decide the motion on the pleadings; or
- d) Schedule a hearing in which the parties are instructed to appear telephonically.

8. Non-Contested Dissolution Calendar. All in-person hearings on the non-contested dissolution calendar will be suspended beginning March 16, 2020. Any hearings currently scheduled on the non-contested dissolution calendar will be rescheduled after April 24, 2020.

9. Guardianships. Parties are encouraged to schedule guardianship hearings after April 24, 2020 if possible. Any hearings scheduled need to be conducted telephonically.

10. Civil Commitments. Judicial officers will attend civil commitment hearings from the courthouse, via telephone.

11. Ex Parte Orders.

- a) Parties are strongly encouraged to submit *ex parte* orders via the Clerk's Office, and the Court hereby waives the \$30 *ex parte* fee through April 24, 2020.
- b) The Court will hear *ex parte* motions that are emergency in nature. As determined by the Superior Court bench, the following are examples of motions that are considered emergent:
 - In Forma Pauperis connected with the emergent motion
 - Protection Orders
 - Restraining Orders
 - Writs of Habeas Corpus
 - Request for Orders to Stay Writ of Restitution

12. Child Support Hearings. All child support hearings shall be continued out past April 27, 2020.

13. Juvenile Offender Hearings.

- a) The Court, upon its own motion, concludes a continuance of juvenile offender trials is necessary for the administration of justice.
- b) The Court finds that as of March 16, 2020 this serious danger posed by the virus is good cause to continue juvenile offender trials and constitutes an unavoidable circumstance under JuCr 7.8 (e)(7).
- c) Based upon the court's finding that the serious danger posed by the virus is good cause to continue juvenile offender trials and constitutes an unavoidable circumstance under JuCr 7.8 (e)(7), the time between the date of this order and the date of the next scheduled trial date are EXCLUDED when calculating time for trial.
- d) All arraignments shall be handled outside of court with a signed waiver of the in-person arraignment and setting a trial date after April 13, 2020.

e) All new filings shall have an arraignment date set no sooner than April 13, 2020.

f) Plea and disposition hearings will continue to be heard as usual.

14. Dependency Hearings.

a) All hearings in juvenile, with the exception of a contested 72 hour shelter care hearing, shall be heard telephonically unless otherwise ordered by the court.

b) Agreed 72 hour shelter care hearings can be done by agreed ordered and handled telephonically unless a parent specifically requests an in person hearing.

c) Review hearings can be handled off the record by circulating a signed review order. If a hearing is necessary on the record, it shall be by telephone.

15. Termination Hearings. Status conferences will be handled by email by the juvenile judge's judicial assistant. Any other hearings will be handled telephonically if necessary.

16. ARY/CHINS/Truancy. All truancy cases have been suspended effective March 16, 2020. No new ARY/CHINS cases will be filed or contempt hearings scheduled.

17. Emergency Juvenile Hearings. The Juvenile Judge will review any request for an emergency hearing on a juvenile matter. Emergencies deal with the health, safety and welfare of children who are subject to any Juvenile case. If the Juvenile Judge is not available the request will be reviewed by the Presiding Judge.

18. Unlawful Detainer Hearings. Any unlawful detainer hearings should be rescheduled by the petitioner for a date after April 13, 2020.

This Order may be further extended or modified as necessary.

IT IS SO ORDERED.

Dated: 3-16-2020



Judge Harold D. Clarke, III
Presiding Judge