

**IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE**

IN THE MATTER OF THE RESPONSE)
BY SPOKANE COUNTY DISTRICT)
COURT TO THE PUBLIC HEALTH)
EMERGENCY (COVID-19))
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NO. 14 AMENDMENT TO
EMERGENCY ORDER NO. 1

**EMERGENCY
ADMINISTRATIVE ORDER**

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 the City of Spokane 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 Supreme Court has adopted its Fourth Revised and Extended Order No. 25700-B-646 granting emergency authority to this Court to adopt, modify, and suspend court rules and order and to take further actions regarding court operations as warranted to address the current state of emergency; and

WHEREAS, on March 23, 2020, April 2, 2020 and May 1, 2020, the Governor of the State of Washington has added additional restrictions on the citizens of the State of Washington due to the declared state of emergency concerning the Coronavirus Disease (COVID 19) with his Proclamations; and

WHEREAS, the State of Washington and specifically Spokane County have experienced an exponential and unprecedented surge in new COVID 19 cases over the past 14 days; and

WHEREAS, on November 15, 2020 (and effective November 16, 2020), due to the aforementioned surge of new COVID 19 cases, the Governor of the State of Washington issued an Executive Order placing additional restrictions on the citizens of the State of Washington; and

WHEREAS, on Tuesday, January 5th, 2021 (and effective Monday, January 11th, 2021), the Governor of the State of Washington announced the “Healthy Washington – Roadmap to Recovery,” a COVID-19 phased recovery plan, creating a “regional approach” and placing restrictions on the citizens of the State of Washington, thereby returning all regions to “Phase 1”; and

WHEREAS, this Court issued its Emergency Order No. 1 and Amendments to that Order Nos. 1-13,

NOW, THEREFORE, IT IS HEREBY ORDERED EFFECTIVE IMMEDIATELY:

1. Based on Paragraph 12 of the Supreme Court’s Fourth Revised and Extended Order 25700-B-646, " A continuance of these criminal and juvenile offender hearings and trials is required in the administration of justice. Based upon the Supreme Court’s finding that the serious danger posed by COVID-19 is good cause to continue criminal and juvenile offender trials, and constitutes an unavoidable circumstance under CrR 3.3(e)(8), CrRLJ 3.3(e)(8), and JuCR 7.8(e)(7), the time between the Supreme Court’s May 29, 2020 Order and the next scheduled court hearing after October 15, 2020 shall be EXCLUDED when calculating time for trial. CrR 3.3(e)(3), CrRLJ 3.3(e)(3), JuCR 7.8(e)(3). **After October 15, 2020, courts may further exclude time under these rules based on individual findings of “unavoidable circumstances” due to COVID-19 or other circumstances.**” (emphasis added). Therefore, Spokane County District Court makes an individual finding of

unavoidable circumstances due to COVID-19, and therefore further excludes time until the next scheduled Court hearing after March 5th, 2021.

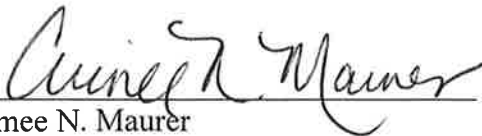
2. The overall intent of this Order is to reduce the number of individuals needing to come to the Courthouse. To the extent possible, parties are strongly encouraged to appear remotely. However, the Court recognizes that not every hearing is able to be held remotely via Zoom or telephonically, and therefore may be occasions when a party will need to attend a hearing in person.
3. Each Judge in Spokane County District Court shall exercise discretion in conformance with the intent of this Order if a party is required to attend a hearing in-person, and the individual in-person attendance shall be determined on a case-by-case basis by each individual Judge.
4. The definition of the phrase repeated though out this Order, “unless impossible to do so,” relates to a party being unable to appear virtually via Zoom or telephonically, due to lack of access to an appropriate device or internet connection, or because a Judge has required their in-person attendance at a hearing.
5. All out-of-custody criminal jury trials and civil trials shall be continued until after March 5th, 2021. With the exception that civil non-jury trials may be conducted via ZOOM by agreement and stipulation of the parties;
6. Out-of-custody criminal hearings (i.e., pre-trial, show cause, treatment review, etc.) will be conducted remotely via Zoom or telephonically, until after March 5th, 2021, unless impossible to do so;
7. In-custody criminal hearings will continue to be conducted per current protocol, utilizing remote Zoom or telephonic hearings, unless impossible to do so;
8. Out-of-custody criminal arraignments for DV cases, will be conducted in-person, unless prior arrangements have been made by the defendant or Attorney with the Court for a remote hearing via Zoom or telephonically;
9. Out-of-custody criminal arraignments for DUI cases, will be conducted in-person, unless prior arrangements have been made by the defendant or Attorney with the Court for a remote hearing via Zoom or telephonically;
10. Out-of-custody non- DV and non- DUI criminal matters (i.e., DWLS 3, Theft 3rd, other criminal driving matters, etc.) may have their arraignments continued until after March 5th,

2021, but will have the option to appear prior to that date remotely via Zoom or telephonically;

11. Ex-parte civil anti-harassment and domestic violence petitions for temporary no contact orders will be handled remotely until after March 5th, 2021;
12. All hearings for civil anti-harassment and domestic violence permanent no contact orders will be handled remotely via Zoom or telephonically, until after March 5th, 2021, unless impossible to do so;
13. All civil matters, including small claims will be continued until after March 5th, 2021, unless both parties agree and stipulate to appear via Zoom or telephonically;
 - a) Small claims shall be conducted remotely via ZOOM, or telephonically, until after March 5th, 2021, unless impossible to do so;
 - b) Civil non-jury trials will be continued through April 30th, 2021, unless both parties agree and stipulate to appear via ZOOM or telephonically. Either party may schedule a “Note for Trial Setting” if the matter is ready for trial;
 - c) Name change petitions shall be conducted electronically, or via ZOOM, as requested until after March 5th, 2021;
 - d) Civil motions shall be cancelled and may be re-noted for hearing after March 5th, 2021, unless both parties agree and stipulate to appear via ZOOM, or telephonically.
14. All contested infractions and requested mitigations on infractions will be handled via mail until after March 5th, 2021, except for contested CDL hearings.
 - a) Contested CDL hearings may be held in-person, so long as the maximum capacity of participants do not violate all social distancing requirements; including, but not limited, to the wearing of a mask and maintaining a six-foot social distance from each other.
15. If it is impossible for a party to appear for any court matter via Zoom or telephonically, that party may appear in-person, but must adhere to the strict guidelines listed in this Order;
16. Any person who is physically ill or in quarantine shall not enter the Courthouse;
17. Staff and visitors are expected to practice good hygiene by washing hands frequently or by using hand sanitizer when hand washing is unpracticable;
18. Frequently touched surfaces will be routinely cleaned by disinfectant or other approved method;

19. Social distancing measures will be strictly enforced to the greatest extent practicable in all courtrooms and public areas in the courthouse. Courtrooms and court administration areas have been equipped with social distancing markers and signage to illustrate appropriate distancing. Each individual courtroom will have a limited capacity due to social distancing.
20. All persons entering any and all Spokane District Courtrooms shall be required to wear a mask, unless exempted under paragraph #21 below. Individuals *actively* participating in a court proceeding may remove their masks if they wish. The Court may also direct the removal of masks worn by active participants to facilitate clear communication and due process. "Active participant" includes those seated at counsel tables, witnesses, and judge.
21. Pursuant to the face covering directive issued by the local health office order, the following individuals do not need to wear a facial covering:
- a) Any child aged two or less;
 - b) Any child aged twelve or less unless parents and caregiver supervise the use of face coverings by the child to avoid misuse;
 - c) Any individual who has a physical disability that prevents easily wearing or removing a face covering
 - d) Any individual who is hearing impaired and uses facial and mouth movements as part of communication or an individual who is communicating with a person who is hearing impaired and uses facial and mouth movements as part of communication;
 - e) Any individual who has been advised by a medical professional that wearing a face covering may pose a risk to that individual for health-related reasons;
 - f) Any individual who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.
22. Spokane County District Court may adopt further restrictions as necessary to respond to the current state of emergency in order to mitigate the effect of COVID-19 and will do so by further court order

DATED THIS THE 8th DAY OF JANUARY 2021.


Aimee N. Maurer
Presiding Judge