

**FILED**

**MAR 23 2020**

**KIMBERLY A. ALLEN  
GRANT COUNTY CLERK**

**SUPERIOR COURT OF WASHINGTON IN AND FOR GRANT COUNTY**

IN MATTER OF RESPONSE TO PUBLIC )	
HEALTH EMERGENCY RE: )	EMERGENCY ADMINISTRATIVE
CORONAVIRUS/COVID-19 )	ORDER NO. 3
_____ )	

WHEREAS, the Chief Justice of the Washington State Supreme Court issued an emergency order on March 4, 2020 in response to a public health emergency, caused by the coronavirus/COVID-19, that affects the operations of the trial courts in the State of Washington; and

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

WHEREAS, the Washington State Supreme Court adopted Order No. 25700-B-607 (Amended Order) on March 20, 2020 further detailing the public health emergency caused by the coronavirus/COVID-19 and further affecting the operations of the trial courts in the State of Washington; and

WHEREAS, the Washington State Supreme Court has authorized the trial courts to take further steps and actions to ensure the safety of court personnel, litigants, and the public;

WHEREAS, the Grant County Health District stated on March 20, 2020,

We expect the virus present throughout our county and are urging resident to protect themselves and their families by limiting their public exposure to anyone outside of their immediate family.

In addition to staying at least 6ft away from others, **if you must go out in public, it is now appropriate and recommended to cover your mouth and nose with some type of face mask. ...**

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Grant County Superior Court hereby adopts the Washington State Supreme Court Order No. 25700-B-607 (Amended Order), and pursuant to said order may adopt further restrictive measures to protect health and safety, including extending as necessary the time frames identified therein or in this order.
2. Any provision contained in any prior Emergency Administrative Order issued by the Grant County Superior Court that is inconsistent with Washington State Supreme Court Order No. 25700-B-607 is hereby void. Conversely, all provisions of any prior Emergency Administrative Orders issued by the Grant County Superior Court that are not inconsistent with Washington State Supreme Court Order No. 25700-B-607 and not inconsistent with this administrative order remain in effect.
3. **Non-Emergency Civil Matters.**

- a. **Bench trials.** All trials scheduled before a judicial officer between the date of this administrative order and April 24, 2020 are stricken and shall be rescheduled. Attorneys and/or litigants must re-note the matter for trial setting to obtain a new trial date. The attorney and/or litigants shall not appear for the trial setting hearing.
- b. **Civil Motions.** All civil motions currently scheduled for hearing between the date of this order and April 24, 2020 are stricken. The attorney/party who noted the matter for a hearing shall file a new Notice of Hearing with the Clerk's office setting the matter to a date after April 24, 2020. For any matter that was special set with the Court Administrator, the parties will need to contact the Court Administrator to obtain a new special set hearing date.

If a party files a civil motion for hearing before April 24, 2020, the matter will be stricken unless the party is able to establish the matter is an emergency. In such case, the party may file and schedule the motion for hearing. Included with the motion must be a separate and concise memorandum identifying the basis to conclude the matter is an emergency. A party may request to appear by telephone for the hearing by following the procedure identified in Grant County Superior Court Administrative Order No. 2. However, the court reserves the right to strike the matter without prejudice and without argument if the court concludes the matter was a non-emergency civil matter.

- c. **Agreed Matters.** All agreed orders can be filed ex parte for presentation to the court.
4. **Emergency Civil Matters -- Family Law.** The following may be considered an emergency family law matter:
    - Domestic Violence Protection Orders

- Return hearings on motions for temporary restraining orders where personal safety is at risk
- Motions for temporary orders or adequate cause where child safety is at risk, there is a risk of child abduction, or a party's basic financial survival is at issue (i.e. ability to maintain housing, basic necessities, and critical health care)
- Return on Warrant hearings
- Writs of Habeas Corpus and returns

Motions for temporary orders or adequate cause where child safety is at risk may be heard by telephone so long as the attorney/party seeking to appear by telephone follows the procedure identified in Grant County Superior Court Administrative Order No. 2. The court reserves the right to decide the matter without oral argument and the right to strike the matter without prejudice if the court concludes the matter was a non-emergency civil matter. If the court decides the matter without oral argument or strikes the matter without prejudice, the court will notify the parties the hearing was stricken.

All other family law matters not identified in this paragraph 4, will not be heard before April 24, 2020 unless a party is able to establish the matter is an emergency. In such case, the party may file and schedule the motion for hearing. Included with the motion must be a separate and concise memorandum identifying the basis to conclude the matter is an emergency. A party may request to appear by telephone for the hearing by following the procedure identified in Grant County Superior Court Administrative Order No. 2. However, the court reserves the right to strike the matter without prejudice and without argument if the court concludes the matter was a non-emergency matter.

5. **Civil Matters – Tuesday Protection Order Docket.** The Tuesday protection order docket will continue to hear protection order matters. This docket will continue to be in person. The presiding judicial officer may limit the number of individuals in the courtroom during the proceedings.
6. **Civil Matters – Dependency and Termination Matters.**
  - a. **Trials.** All dependency and termination trials scheduled between the date of this order and April 24, 2020 are stricken. The attorney(s) are required to confer with all counsel of record to identify new dates for trial and thereafter to enter orders scheduling the matters for trial. Exigent circumstances exist to extend all dependency time periods, including the 75 day time limit to conduct initial dependency fact finding trials.
  - b. **Initial 72 hour shelter care hearings.** The Attorney General's Office (AG) shall notify the Court Administrator by e-mail of an impending pick up as soon as possible. For the shelter care hearing, the AG and parents' attorneys shall contact the Court Administrator for a special set hearing. The contested shelter care hearing shall be by telephone arranged by the AG.

- c. **Motions.** All motions currently noted for hearing on the Tuesday Dependency Docket between the date of this order and April 24, 2020 are hereby stricken. The party who filed the motion will be required to re-note the motion to a docket after April 24, 2020 and provide notice to all parties. The parties should be mindful of the date they select after April 24, 2020 as there could be court congestion if too many matters are noted on the same docket. The court retains authority to continue or strike motions set after April 24, 2020 as necessary for the orderly administration of justice.

If a motion is filed and noted for a hearing prior to April 24, 2020, the matter will be stricken unless the party filing is able to establish the matter is an emergency which is critical to child safety and health. The party filing such a motion must include a separate and concise memorandum identifying the basis and reasons to determine the motion is an emergency. This initial determination will be made by a judicial officer on the materials submitted. If the court concludes the matter is a non-emergency, it will be stricken without prejudice from the docket. In such cases, the Court will notify the parties the matter was stricken.

If the motion is determined to be an emergency, it may be placed on the regular Tuesday Dependency Docket. The court reserves the right to decide the matter without oral argument on the pleadings submitted. If the court decides the matter on the pleadings without telephonic oral argument, the court will notify the parties of its decision or order. If oral argument is requested, it will be by telephone and the AG shall arrange for the parties to appear by telephone.

7. **Criminal Matters.** Pursuant to Washington State Supreme Court Order No. 25700-B-607, paragraphs 5 and 7, "All out of custody criminal matters already pending shall be continued until April 24, 2020", and "All in custody criminal matters shall be continued until after April 24, 2020." The Grant County Superior Court interprets these statements to include trials where a defendant has waived the right to a jury trial.

For each criminal matter affected by Washington State Supreme Court Order No. 25700-B-607, the Grant County Superior Court will issue an order continuing each defendant's criminal matter. Each order issued will identify the defendant's next hearing date. The new hearing dates will be staggered so as not to overwhelm the court docket on any given calendar date. The defense attorney of record shall provide a copy of the order to the defendant. For out of custody criminal matters, defense counsel shall also call their client by telephone to inform them of the next court date and document the date they spoke with their client and/or of the attempt(s) made to contact their client regarding the next court date. This will allow the court to evaluate whether an out of custody defendant was informed of the next hearing date. The failure to document any effort to contact a defendant directly by telephone may lead to sanctions.

If a criminal matter affected by Washington State Supreme Court Order No. 25700-B-607 was already scheduled for trial, the commencement date and/or any remaining time for trial under CrR 3.3 will be identified at each defendant's next hearing date and will be

determined based on paragraphs 4, 5, 7, 9, and 15 of Supreme Court Emergency Order No. 25700-B-607 and based on the authority granted under the March 4, 2020 Washington State Supreme Court Emergency Order No. 25700-B-602.

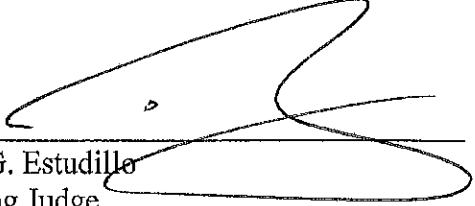
Regarding in custody matters allowed to be heard pursuant to paragraph 7 of Washington State Supreme Court Order No. 25700-B-607, a Note for Hearing must be filed with the Clerk to schedule the matter for hearing on the court's criminal docket.

Regarding both out of custody and in custody criminal matters, if a party believes the matter is not prohibited by Washington State Supreme Court Order No. 25700-B-607 and should be heard by the court, the party should first confer with opposing counsel to discuss the matter and to discuss the procedure for having the matter heard by the court. Thereafter, the party should file a Note for Hearing with the Clerk's office to place the matter on the criminal docket and/or may present any agreed orders to the court ex parte. The court reserves the right to strike the matter without prejudice and without argument if the court concludes the matter is a non-emergency matter that can wait until after April 24, 2020.

A party must file all documents directly with the Clerk's office. Working copies will **not** be accepted by facsimile or electronic mail. Working copies must be mailed or can be delivered in person by being left in the basket identified for working copies outside of the court administrator's office.

8. **Criminal Matters – Sentence Compliance Docket.** The April 2020 Sentence Compliance Dockets are cancelled. The deputy prosecuting attorney and defense attorney assigned to the Sentence Compliance Docket will confer and determine the procedure to reschedule matters to a date after April 2020. All agreed orders can be presented to the court ex parte.
9. **Ex Parte Filing Fees.** To encourage attorneys and litigants to file matters ex parte by mail rather than in person, the Superior Court Clerk has agreed to temporarily suspend and waive the ex parte filing fee for those parties who submit an ex parte matter by mail. Attorneys and litigants should contact the Clerk's office to discuss the correct procedure for filing ex parte matters.
10. The court understands the pending public health emergency created by the Coronavirus/COVID-19 is a fluid situation that continues to develop on a daily and sometimes hourly basis. Accordingly, the court will continue to review emerging developments and may issue further administrative orders as may be necessary.

ORDER DATED: 3/23/2020

  
\_\_\_\_\_  
David G. Estudillo  
Presiding Judge,  
Grant County Superior Court