

IN THE DISTRICT COURT FOR SKAGIT COUNTY and in the MUNICIPAL COURTS
OF ANACORTES, BURLINGTON, and MOUNT VERNON, WASHINGTON

IN THE MATTER OF

ADMINISTRATIVE ORDER

EMERGENCY RESPONSE TO
COVID-19 OUTBREAK

NO. 21-12

WHEREAS, on February 29, 2020, Governor Inslee declared a state of emergency due to the public health emergency caused by the Coronavirus Disease (COVID-19); and on March 13, 2020 President Trump declared a national emergency due to the same public health emergency; and on February 24, 2021 President Biden continued the national emergency; and

WHEREAS, the Commissioners of Skagit County have declared a state of emergency in Skagit County due to the same public health concerns; and

WHEREAS, the Washington State Supreme Court has adopted various administrative orders authorizing certain specific emergency measures to address the safety of the public and of court employees; and

WHEREAS the COVID-19 pandemic remains an ongoing threat to the health of the people of Skagit County; and

WHEREAS the infection and hospitalization rate for COVID-19 cases has remained substantially high over the past month; and,

WHEREAS, the Pfizer COVID 19 vaccine has been fully approved by the FDA, which may result in an increase in vaccination rates in the county; and

WHEREAS the Skagit County District and Municipal Courts are ill equipped to effectively comply with social distancing and other public health requirements for large gatherings such as selection and impaneling juries, and therefore in-person court appearances for certain court functions jeopardize the health and safety of litigants, attorneys, judges, court staff, and members of the public. Yet court operations are recognized as essential and may often be conducted by alternative means, in alternative settings, and with extra measures taken for public safety; and

WHEREAS the coordinated response from Washington courts to prevent the further spread of COVID 19 must be continued; and

WHEREAS to prevent the spread of COVID-19 as much as possible, further public health measures, in addition to those required under previous emergency administrative orders, should be implemented.

NOW THEREFORE, Consistent with orders to all courts from the Washington State Supreme Court and in keeping with the applicable directions from the Governor and County Commissioners combined with a statewide plan for gradual reopening of government and business facilities, and, so long as the following orders remain consistent with Washington State Supreme Court Administrative Orders, the following schedule will be observed by Skagit County District and Municipal Courts:

1. **OPEN COURTS:** All courtrooms in all departments of Skagit County District and Municipal Courts are open to litigants and to the public. Beginning September 1, 2021, anyone appearing in person in any courtroom in Skagit County must first provide proof of vaccination against COVID 19 or qualify for an exemption from COVID 19 vaccination. Proof of COVID 19 vaccinations must be provided in one of the following ways:
 - a. COVID 19 Vaccination Record Card or photo of the card:
 - b. Documentation of vaccination from a health care provider or electronic health record.
 - c. State immunization information system record.
 - d. A sworn or attested statement made under penalty of perjury that the individual is fully vaccinated.
 - e. Other form which may be approved by the court in subsequent orders.
2. **COURT CLERKS' OFFICES:** The Skagit County District Court Clerk's Office and Municipal Court Clerk's Offices remain open for in person service. People are encouraged to access court clerk services by phone, email, fax, drop box, or regular mail if possible. Anyone coming in person to the clerk's counter for assistance shall follow all public health guidelines issued by the Skagit County Department of Public Health and as directed by signage and/or court personnel.
3. **VACCINATION EXEMPTION REQUIREMENT:** Vaccination exemption requirements are set forth in Administrative Order 2021-A, attached hereto and incorporated by reference herein.
4. **APPEARANCE VIA VIRTUAL PLATFORM:** Given the continued high numbers in COVID 19 delta variant infections and hospitalizations,

individuals accused of a crime may appear via virtual platform for arraignment on cases other than DUI, Physical Control, and any Domestic Violence charges.

5. **PROPER COURTROOM ETIQUETTE:** Proper courtroom etiquette, including but not limited to proper attire, must be followed by all parties attending court via virtual platform
6. **CRIMINAL JURY AND BENCH TRIALS:** Criminal jury trials are temporarily suspended through the close of business January 7, 2022. Criminal bench trials may be scheduled and heard beginning November 1, 2021. Proof of COVID 19 vaccination or proof of a negative COVID 19 TEST within 72 hours is necessary. The party proffering the witness or representing the defendant shall ensure compliance with this rule.
7. **TIME FOR TRIAL:** COVID-19 disease continues to present a serious danger in congregate settings, and the continuing high numbers in COVID 19 cases together with the increased transmissibility of the delta variant exacerbates a public health emergency and is an unavoidable circumstance under CrRLJ 3.3(e)(8) constituting good cause to continue all jury trials in the administration of justice. The time from October 29, 2021 to the close of business January 7, 2022 shall be excluded for purposes of calculating time for trial under CrRLJ 3.3.
8. **GUILTY PLEAS IN ALL DISTRICT AND MUNICIPAL COURTS:**
 - a. In recognition of the parties need and right to enter a plea and based upon the finding of this emergency, the court will allow guilty pleas as follows:

Guilty pleas shall continue to be heard in person. Guilty pleas may also be scheduled for entry on a virtual platform consistent with this order unless a judicial officer orders the plea and/or sentencing to be conducted in person.
 - b. All guilty pleas in the District and Municipal Courts shall be scheduled with the court clerk in 15-minute intervals. Plea paperwork shall be submitted to the clerk a minimum of **24 hours** in advance. If plea paperwork has not been submitted in accordance with this order, the plea may be stricken by the court.
 - c. Guilty pleas for individuals represented by the Office of Public Defense who do not require the services of an interpreter shall be scheduled only on Thursday afternoons at 1:30 pm in District Court

Courtroom 1. Cases will be scheduled at 15-minute intervals. Individuals requiring the services of an interpreter shall continue to resolve their cases on the 8:30 am Wednesday interpreter calendar.

- d. Guilty pleas for private attorney criminal matters shall continue to be scheduled at 15-minute intervals on Tuesday mornings, beginning at 8:45 am. Parties wishing to schedule a guilty plea shall contact the calendaring clerk to obtain a time slot. Private attorney criminal matters, where the defendant requires the services of an interpreter, shall be heard on the 8:30 am Wednesday interpreter calendar at the Community Justice Center.
- e. Guilty pleas for individuals represented by the Office of Public Defense may be scheduled on the Tuesday morning private attorney calendar if time slots are available. Parties wishing to schedule a guilty plea shall contact the calendaring clerk to obtain a time slot.
- f. Individuals entering a guilty plea via virtual platform in all District and Municipal courts shall comply with the following:
 - Use a device which allows clear video as well as audio transmission.
 - Provide signature on a waiver of physical appearance prior to hearing.
 - Provide signature on the guilty plea prior to hearing.
- g. For a remote plea on an Assault 4 DV or any other charge requiring a DNA sample be collected (e.g., Harassment, Assault 4 with Sexual Motivation, as required by RCW 43.43.75), the following requirements are necessary in addition to the other requirements set forth in this order. A minimum of **72 hours** in advance of the plea, the defendant must:
 - Notify the jail alternatives office via e-mail that the defendant will be present in person at the jail alternatives office to provide fingerprints and DNA swab. The notification shall include the *defendant's name*, the *cause number*, and the *charge* the defendant is pleading to as listed in RCW 43.43.754. The address is #scsojailprograms@co.skagit.wa.us
 - The Defendant must personally appear and provide the statutory requirements of DNA and fingerprinting (if required after screening by jail alternatives) no later than 72 hours prior to the plea date and time.
 - No virtual plea for any of the charges listed in RCW 43.43.754 shall be entered by the court without this emergency order condition being met.

9. **DUI AND DV ARRAIGNMENTS:** Arraignments for Driving While Under the Influence, Physical Control of a Motor Vehicle While Under the Influence, and all Domestic Violence charges will continue as in person appearances only absent judicial approval to appear on a virtual platform.

10. **PROBATION REVIEW HEARINGS:**

- a. District Court Public Defender probation hearings will be scheduled at 1:30 pm on every Wednesday court calendar until further notice.
- b. District and Municipal Court Probation Review continuances may be filed ex parte for first and second probation review hearing by agreement of the parties, if consistent with the recommendation of the probation officer.
- c. District Court Pro se probation review hearings will be held on Tuesdays at 2:00 pm as in person hearings or via virtual platform.
- d. District Court private attorney probation review hearings, other than those requiring the services of an interpreter, will be held as in person hearings on the first Wednesday of each month at 8:30 am and 1:30 pm both in person and via virtual platform.

11. **MOTIONS TO RESCIND NO CONTACT ORDERS AND MOTIONS TO QUASH BENCH WARRANTS:** Motions to rescind no contact orders and motions to quash bench warrants shall be scheduled as in person hearings on the 1:30 motion calendar the 1st and 3rd Mondays of each month and will be available via virtual video platform as well. Municipal Courts will schedule these hearings as directed by the judicial officer in the respective courts.

12. **AGREED CONTINUANCES:** Agreed continuances of readiness, motion hearings, and trial dates shall continue to be completed ex parte and submitted at least **48 hours** in advance of the readiness hearings.

13. **READINESS HEARINGS:** Readiness hearings will remain primarily in person hearings, but parties may attend via virtual platform unless otherwise ordered by a judicial officer.

14. **RELICENSING COURT:** The District Court “Licensing Court” began October 13, 2021 in District Court only. In person “Licensing Court” will begin in Municipal Courts at a later date.

15. **FTAs FOR CRIMINAL CHARGES AND TRAFFIC INFRACTIONS:** The court has resumed reporting of FTAs on criminal cases and traffic infractions to the appropriate state agencies as of August 1, 2021. Unpaid fines will be assigned to collections and late fees and penalties imposed pursuant to policies in place prior to the COVID 19 emergency.

16. **COMMUNITY COURT:** Community court will continue to be conducted in person in all departments. Appearance may be via virtual platform subject to judicial approval.

17. **CIVIL JURY AND BENCH TRIALS:** Civil jury trials are temporarily suspended through January 7, 2022. Civil bench trials may continue to be scheduled and heard. A negative COVID 19 TEST within 72 hours of any appearance OR Proof of COVID 19 Vaccination is necessary. All parties and witnesses shall be required to be vaccinated for COVID 19 or provide proof of a negative COVID 19 test within 72 hours.

18. **CRIMINAL PRETRIAL MOTIONS:** All pretrial criminal motions, including motions which do not require live testimony, shall be held as in person hearings. Motion hearings shall be scheduled at set intervals, and parties shall wait to enter the courtroom until the time designated for their hearing. Proceedings will also be available for observation via virtual platform. Mandatory appearances (for appearance only) for 3.5 hearings remains in effect. After a Readiness order leaves a matter scheduled for appearance only (mandatory appearance), the court will not accept ex parte agreed continuances absent compelling circumstances.

- a. If a criminal motion is dispositive and requires the defendant's presence as a critical stage of the proceedings, or any dispositive motion, may be heard on intervals set by the clerk based upon the expected length of the hearing, and shall require proof of COVID 19 vaccination or a negative COVID 19 test within 72 hours. The party proffering the witness and/or representing the defendant shall ensure compliance with this rule.

19. **SMALL CLAIMS FIRST APPEARANCES:** Small claims appearance and review hearings are being held as in person hearings. Appearance via virtual platform may be permitted for small claims first appearance or

review hearings with approval of a judicial officer upon good cause shown.

20. **CIVIL MOTIONS:** Civil motions will continue as in person hearings and may also be heard via virtual platform subject to approval by a judicial officer.

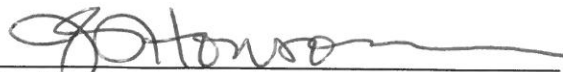
21. **ANTI-HARASSMENT HEARINGS:** All hearings for anti-harassment orders shall be conducted in person unless a judicial officer grants approval for a hearing via virtual video platform upon good cause shown.

22. **INDIVIDUALS EXHIBITING SYMPTOMS OF ILLNESS:** Anyone exhibiting symptoms of illness (fever, cough, body or muscle aches, recent loss of taste or smell, runny nose, sneezing, fatigue not associated with other known conditions, headache, or sore throat) shall not be permitted in the courtroom, irrespective of whether that individual is vaccinated, and shall be required to leave the courtroom if such symptoms are observed.

23. **APPROVED FACIAL COVERINGS:** All parties appearing in the courtroom shall always wear approved face coverings. Surgical masks or N-95 masks are preferred; however, double thickness cloth masks are permitted. Surgical masks are available from the court clerk. Certain face coverings, such as single ply face masks, masks with vents, bandanas, face shields, and neck gaiters are ineffective, do not satisfy the face covering requirement, and are not allowed unless worn over a surgical mask. All parties shall observe public health protocols as required by the judicial officer conducting a specific calendar, hearing, or trial. Individuals refusing to comply with public health mandates may be subject to contempt of court sanctions.

Additional information on court schedules and accessing court services is available on the various websites for all court departments. Any provisions of prior Administrative Orders which are not inconsistent with this order shall remain in full force and effect.

DATED THIS October 26, 2021.


Jenifer Howson, District Court Judge,
Acting Presiding