

IN THE SUPERIOR COURT
FOR THE COUNTY OF SKAGIT

IN THE MATTER OF) ADMINISTRATIVE ORDER
EMERGENCY RESPONSE TO COVID-19) NO. 21-3
OUTBREAK)

WHEREAS, an identified public health emergency exists due to the current outbreak of COVID-19 virus, which emergency has been previously identified in this court's Emergency Administrative Orders, No. 20-1 through and including No. 21-2; and

WHEREAS, Skagit County, Washington State, and the nation in general are currently experiencing a serious surge in transmission of the COVID-19 virus; and

WHEREAS, the Governor of Washington has declared a state of emergency and issued numerous proclamations regarding health and safety measures in response to the pandemic, including his most recent Proclamation 20-25.12, with Skagit County currently listed in Phase 3 of the Healthy Washington Roadmap to Recovery due to high risk of transmission and other metrics as determined by the Washington State Department of Health and through Phase 1B Tier 4 of vaccine distribution; and

WHEREAS, this court incorporates by reference all of its findings set forth in its previous administrative orders described above and now adopts an order pursuant to the State Supreme Court's Order No. 25700-B-658 to further restrict this court's operations in the interest of public health and safety,

WHEREAS, although courts are exempted from the Governor's directive, nonetheless the court intends to honor the intent of said directive by taking actions to reduce opportunities for transmission of the COVID-19 virus within the court system;

NOW, THEREFORE, PURSUANT TO THE court's authority to administer justice and to ensure the safety of litigants, members of the public, court staff, attorneys, commissioners, and judges;

IT IS HEREBY ORDERED THAT:

1. **JURY TRIALS.** Criminal jury trials shall resume on April 5, 2021. Jury trials under the Involuntary Treatment Act (71.05 RCW) or Sexually Violent Predator

Act (71.09 RCW) shall also recommence on April 5, 2021. All confirmed jury trials will be stacked in order of priority, to be determined by the court by 9:00 a.m. the Friday before trial.

Prior to trial, all litigants for jury trials must review and abide by Superior Court's "COVID-19 Jury Trial Protocol" and "In-Person and Hybrid Trial Protocol and Procedures." Those procedures are posted on the court's website at:

SkagitCounty.net/SuperiorCourt/trialinfo.htm

Due to a backlog of criminal jury trials, all other civil jury trials scheduled to begin on or before June 4, 2021 are stricken. Counsel on stricken civil jury trials shall re-note said matters for trial assignment.

2. **TERMINATION OF PARENTAL RIGHTS.** The court finds that the COVID-19 pandemic is good cause under RCW 13.34.145 (5)(a) not to order DCYF to file a petition to terminate parental rights.
3. **BENCH TRIALS.** The following types of cases shall be presumed to be tried with witnesses and attorneys appearing in the courtroom unless a motion (by counsel or the court) is granted for some or all parties and witnesses to appear remotely:
 - adult criminal
 - juvenile offender
 - cases under the Involuntary Treatment Act
 - termination of parental rights, and
 - Title 13 guardianship

Those motions will be considered on a case-by-case basis determination of due process and the safety considerations. Mathews v. Eldridge, 424 U.S. 319, 96 S. Ct. 893, 47 L.Ed. 2d 18 (1976). Protocols and procedures for in-person and hybrid bench trials must be followed throughout those trials. They are available on the court's website at:

SkagitCounty.net/SuperiorCourt/trialinfo.htm

Any other types of bench trials are presumed to take place remotely with witnesses and attorneys appearing on video via Zoom. "Remote Bench Trial Protocols and Procedures" and other related documents are posted on the Superior Court's website: SkagitCounty.net/SuperiorCourt/trialinfo.htm

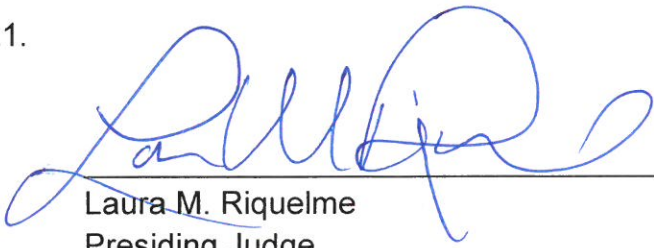
- 4. LIMITATION ON CIVIL MATTERS.** Residential unlawful detainer hearings are suspended through June 30, 2021 with the exception of those cases permitted under Governor Inslee's Proclamation 20-19.6. (https://www.governor.wa.gov/sites/default/files/proclamations/proc_20-19.6.pdf). Any permitted unlawful detainer hearings shall be conducted by video.

Similarly, motions for orders seeking payment on writs of garnishment involving consumer debt will not be heard until further notice with the exception of those authorized under Governor Inslee's Proclamations 20-49.8 and 20-49.14.

Any motion not in compliance with these limitations set forth in this order will be stricken.

- 5. INVOLUNTARY TREATMENT ACT HEARINGS.** Other than trials, hearings under the Involuntary Treatment Act will return to their respective facilities as of April 13, 2021.
- 6. SUSPENSION OF RULES.** This order modifies or suspends any and all court rules, both Local Court Rules and State Court Rules, which are inconsistent with the terms set forth herein.
- 7. CONFLICTING ORDERS.** In the event that this administrative order conflicts in any way with the Washington Supreme Court's orders now or hereafter issued, the Supreme Court's orders shall prevail. To the extent this order may conflict with this court's administrative orders referenced above, this order shall prevail. Otherwise, Administrative Order No. 20-8B remains effective in accordance with the terms thereof.
- 8. EFFECTIVE DATE.** This order becomes effective upon signing and shall remain in effect until modified or terminated by court order.

DATED this 31st day of March, 2021.



Laura M. Riquelme
Presiding Judge