

IN THE SUPERIOR COURT  
FOR THE COUNTY OF SKAGIT

IN THE MATTER OF ) ADMINISTRATIVE ORDER  
EMERGENCY RESPONSE TO COVID-19 ) NO. 22-4  
OUTBREAK )

WHEREAS, the identified public health emergency due to the 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. 22-3, has impacted court proceedings since March 2020 and resulted in significant modification of court operations since that time;

WHEREAS, while the public health emergency has eased with the downgrading of the pandemic, continued public health guidance and the continuing challenges to court operations due to the COVID-19 pandemic require ongoing measures to ensure the safe and effective administration of justice while transitioning to a return to more normal, ongoing operations;

WHEREAS, the Supreme Court of Washington's "Order Regarding Court Operations After October 31, 2022" No. 25700-B-697, dated October 27, 2022, is currently in effect, with its findings and orders incorporated into this order;

WHEREAS, the Supreme Court's current emergency order continues to modify court operations and authorizes trial courts to adjust local operations to address challenges related to the COVID-19 pandemic and its aftermath in the court system;

WHEREAS, the court has significantly updated its technology and changed its procedures since March 2020 to make the majority of its proceedings available to participants who choose to or must appear for hearings and/or trials remotely instead of physically in the courtroom, many of which were adopted in 2021 and 2022 into Local Court Rules;

WHEREAS, this court incorporates by reference all of its findings set forth in its previous administrative orders described above and now adopts an order to adjust the court's operations in the interest of the safe and effective administration of justice while remaining consistent with the recommendations of public health officials;

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. **EXCLUSION DUE TO ILLNESS OR COVID-19 EXPOSURE.** Skagit County Superior Court excludes anyone from the physical courtrooms or offices of Superior Court if they are positive for COVID-19 or should be in quarantine or isolation based upon protocols established by the Centers for Disease Control and the Washington State Department of Health.

Participants in any in-person trials, including jurors, who become unavailable to appear in person for court must contact Court Administration at the earliest opportunity to advise of their situation, at which point the court will make arrangements to address these issues through a remote appearance on the record.

Other than participants of in-person trials, any person physically excluded by this order shall appear remotely for court without the additional requirement to request guidance from the court prior to their remote appearance.

**Specific Prohibitions:**

Regardless of vaccination status, anyone who tests positive for COVID-19 may not be in Skagit County Superior Court's courtrooms or offices within five days of testing positive or onset of symptoms. When the symptoms later resolve and at least five days have passed since the positive test, that person may enter court within the following five-day period only if wearing a surgical or higher-grade face mask.

Anyone exposed to a person with COVID-19 is required to mask in the courtrooms and offices of Skagit County Superior Court for the ten days following exposure. Exposure is considered to be within six feet of a person with COVID-19 for a cumulative total of fifteen minutes or longer over a 24-hour period up to 48 hours prior to the infected person showing symptoms.

Anyone exhibiting the below-listed symptoms that are not caused by another condition may only enter Skagit County Superior Court's courtrooms or offices after testing negative for COVID-19 *and* wearing a high-quality mask for the ten days following onset of symptoms or until they resolve, whichever occurs last:

- Fever
- Chills
- Cough

- Recent loss of taste and/or smell
- Shortness of breath or difficulty breathing
- Fatigue
- Congestion or runny nose
- Nausea or vomiting
- Headache
- Sore throat
- Muscle pain or body aches
- Diarrhea

Anyone who is awaiting results of a COVID-19 test due to exposure or symptoms of the virus may not enter the courtrooms or offices of Superior Court until they have negative test results *and* are wearing a high-quality face mask.

The court adopts the most recent guidance that is detailed in the attached flowchart. Any future updated guidance issued by the Centers for Disease Control regarding quarantine, isolation, and protective measures to take upon recovery or exposure from the virus are adopted by the court.

## 2. **MASKING AND PHYSICAL DISTANCING.**

Other than as specified above in (1) and in particular situations detailed below, the wearing of face masks in the courtrooms or offices of Skagit County Superior Court is optional.

- Masking will continue to be mandatory in the facilities where hearings under the Involuntary Treatment Act are conducted due to their location within healthcare facilities while the healthcare facilities continue to require masking.
- Masking will be required if ordered by the presiding judicial officer for a particular hearing or trial.

Where required, masks must be worn so they adequately cover the face and mouth. Masking is not required of children under the age of three.

Where masking is optional, any litigant, juror, or observer has the right to wear a face mask, as do all employees and judicial officers of Skagit County Superior Court. Because wearing a mask is a personal decision that is influenced by many factors not relevant to the court proceedings, the court expects that the masking decisions of others will be respected and not be commented upon or create a negative or positive inference.

A witness's request to testify while masked must be brought to the attention of the opposing party and the court at the earliest opportunity so procedures may be addressed prior to the witness's testimony.

Further, distancing requirements are no longer in place outside the context of jury trials, where distancing shall take place pursuant to the trial judge's orders. A person's desire to remain distanced from others shall be respected as practicable, however the size of some calendars may not be able to accommodate physical distancing upon request. Court users are encouraged to consider their personal risk and comfort before physically coming to the courthouse as opposed to appearing remotely.

The Court will maintain remote options for participants and observers of most hearings. Pursuant to statute, remote participation is available for civil protection order hearings, however non-participant observers may only attend those hearings in person.

Some aspects of masking and physical distancing may be modified during in-person jury and bench trials upon advance order of the trial judge following a motion of a party or on the court's motion.

Masking and distancing requirements may be reimposed as the pandemic fluctuates or upon order of the judicial officer overseeing a proceeding.

Due to limited space and volume of appointments, masking and distancing may continue to apply when entering the courthouse facilitators' offices.

KN-95 masks will be available to anyone who wants or needs to wear face masks in the courtrooms and offices of Skagit County Superior Court.

3. **REMOTE APPEARANCES.** With the exception of jury selection, all hearings and trials are available in person in the courthouse. Due to space limitations during jury selection, non-participant observers may attend remotely.

The court will continue to employ video and telephonic access for most hearings. Due to burdens on staff to monitor Zoom lines and concerns related to witness access to trials prior to providing their testimony, not all portions of jury trials or bench trials will always be available remotely.

Participants and observers who log into the session after the first 15 minutes of court might not be immediately admitted into the main session from the waiting room until court staff is available to do so.

The court will continue to post a daily docket on its website providing physical location and video and telephonic information for every calendar at:

<https://SkagitCounty.net/SuperiorCourt/documents/schedule/courtroomschedule.pdf>

This may also be found on the court's website at [SkagitCounty.net/Superior Court](https://SkagitCounty.net/SuperiorCourt), posted as the "Daily Court Schedule."

The court may provide a "breakout room" to facilitate confidential discussions with counsel when participants appear remotely.

Observers or litigants who are not providing testimony or argument may appear only with audio (either telephonically or over the internet without video). Any remote participants providing testimony or argument, including unrepresented parties, must have clear audio and video.

Remote participants shall follow the remote appearance etiquette as posted on the court's website. Appropriate virtual backgrounds may be used to protect the privacy of court participants.

4. **JURY TRIALS.** Prior to trial, all litigants for jury trials must review and abide by Superior Court's most current "Trial Protocol and Procedures." Those procedures are posted on the court's website at:

[SkagitCounty.net/SuperiorCourt/trialinfo.htm](https://SkagitCounty.net/SuperiorCourt/trialinfo.htm)

5. **BENCH TRIALS.** Bench trials must be confirmed five (5) days before the trial.

Prior to any bench trial, whether in-person, hybrid, or fully remote, all litigants for bench trials must review and abide by Superior Court's most current "Trial Protocol and Procedures." Those procedures are posted on the court's website at:

[SkagitCounty.net/SuperiorCourt/trialinfo.htm](https://SkagitCounty.net/SuperiorCourt/trialinfo.htm)

The following types of cases shall be presumed to be tried with witnesses and attorneys appearing physically 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 safety considerations. *Mathews v. Eldridge*, 424 U.S. 319, 96 S. Ct. 893, 47 L.Ed. 2d 18 (1976).

Through March 3, 2023: Any other types of bench trials are presumed to take place remotely with witnesses and attorneys appearing on video via Zoom.

A party may request an in-person bench trial for any type of case by motion. The motion shall either be noted for the pre-trial conference or another regular calendar for that case type. The parties may also enter into a written agreement to conduct the bench trial in person and address that agreement with the court at the pre-trial conference and/or when confirming the case for trial.

Beginning March 6, 2023: For bench trials starting on or after March 6, 2023, the presumption is that those trials will take place in person. At that point, bench trials may only take place remotely with:

- a) written agreement of the parties, and/or
- b) a pre-trial ruling from the court permitting a remote trial. A party requesting a remote trial shall note such motion to be heard at least two weeks before the trial date to allow the litigants and witnesses sufficient time to prepare for trial to be conducted remotely.

Any request for a remote trial must provide assurances that the parties will strictly comply with requirements related to the pre-trial meeting and exchange of exhibits. The parties must also be able to assure the court that all participants, including witnesses, have access to stable and clear audio-video connections over the Zoom platform.

Remote bench trials that commenced prior to March 6, 2023, but have not yet concluded by that date may continue to take place in the same format as they began absent a specific ruling from the trial judge.

**6. ADULT CRIMINAL AND JUVENILE OFFENDER CASES: CALENDAR SIZES**

In-Custody Defendants. All in-custody defendants/respondents have the option to appear remotely if they so request or if COVID protocols limit them from physically entering the courtroom.

Agreements. The parties are encouraged to work in concert to submit proposed agreed orders on all pre-trial criminal matters that have been scheduled but do not have ongoing contested issues that require hearing.

- 7. EX PARTE NO CONTACT ORDERS.** The court may enter ex parte no contact orders pursuant to RCW 10.99.040, RCW 10.99.045, RCW 10.14.040, RCW 7.90.150, RCW 9A.46.085, and/or RCW 9A.46.040 when an information, citation, or complaint is filed with the court and the court finds that probable cause is present for a sex offense, domestic violence offense, stalking offense, or harassment offense. Ex parte orders may be served upon the defendant by mail. This provision does not relieve the prosecution of proving a knowing violation of such an ex parte order in any prosecution for violating the order. Good cause exists for the court to extend ex parte orders beyond the initial period until a hearing can be held.

- 8. ADULT CRIMINAL AND JUVENILE OFFENDER CASES: SIGNATURES.** The court finds that obtaining signature from defendants/respondents for orders continuing existing matters places significant burdens on attorneys, particularly those who must enter correctional facilities to obtain signatures in person. Therefore, for all adult criminal and juvenile offender matters, defense counsel is not required to obtain signatures from defendants/respondents on orders to continue those cases until further notice. Defense counsel shall provide notice to defendants/respondents of all new court dates.

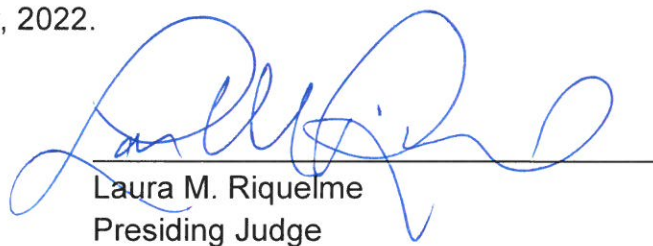
This order does not prohibit counsel from obtaining their client's signatures, which may but are not required to be entered on court orders.

- 9. MOTIONS FOR PRE-TRIAL RELEASE.** Motions for bail reduction, release on personal recognizance, and temporary release shall be heard on shortened time if notice has been given to opposing counsel by noon two court days before the scheduled hearing.



10. **RESERVATION.** The court reserves the right to modify or cancel any court calendar upon short notice to accommodate any concerns regarding courtroom crowding and to facilitate reduction in courtroom population.
11. **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.
12. **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. This order supersedes all prior administrative orders issued to address the COVID-19 emergency.
13. **EFFECTIVE DATE.** This order takes effect December 30, 2022, and shall remain in effect until modified or terminated by court order.

DATED this 30<sup>th</sup> day of December, 2022.



Laura M. Riquelme  
Presiding Judge



# Skagit County Superior Court COVID-19 Screening and Illness Flowchart (12/30/22)

Definitions	Symptoms
<p><b>Close Contact:</b> Being within 6 feet of a person with COVID-19 for a cumulative total of 15 minutes or longer over a 24-hour period up to 48 hours prior to the infected person showing symptoms.</p> <p><b>Symptom onset or test date:</b> represents day zero when calculating quarantine/isolation time.</p>	<p>Chills Cough sore throat Headache Fatigue Muscle pain/body aches Nausea or vomiting</p> <p>Congested or runny nose Loss of sense of taste and/or smell Diarrhea (2 or more loose stools within 24 hours) Fever (subjective or 100.4°F or higher)</p>

