

IN THE SUPERIOR COURT
FOR THE COUNTY OF SKAGIT

IN THE MATTER OF) AMENDED
EMERGENCY RESPONSE TO COVID-19) ADMINISTRATIVE ORDER
OUTBREAK)
NO. 20-6-A

WHEREAS, An identified public health emergency exists due to the current outbreak of the Novel Corona virus which emergency has been previously identified in this Court's Emergency Administrative Order 20-3; and

WHEREAS, the Governor of Washington has issued Proclamation 20-25 requiring persons to stay at home unless they are performing an essential service which proclamation has been extended several times; and

WHEREAS Stay at Home provisions have been in effect since late March, 2020 and the most current Order from the Governor, issued May 1, 2020, provides that the Stay at Home provisions shall be lifted in a phased process but leaves current restrictions affecting Court Operations in effect at least through May 31, 2020; and

WHEREAS on April 29, 2020, the Washington State Supreme Court issued its Second Revised and Extended Order Regarding Court Operations; and

WHEREAS, the Presiding Judge of Skagit County Superior has determined that, with limited exceptions, all hearings that are not deemed critical should be continued except to the extent noted herein;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. **EFFECTIVE DATE** This Order becomes effective upon signing and shall remain in effect through midnight on June 2, 2020. In addition, the effective date of Emergency Administrative Order 20-3 is extended through June 2, 2020 and all references to April 24, 2020 contained therein shall be deemed to refer to June 2, 2020.
2. **RELATIONSHIP TO EMERGENCY ADMINISTRATIVE ORDER 20-3** For so long as this Order is in effect, it will supersede Administrative Order 20-3 with

respect to matters set forth herein. In all other respects Administrative Order 20-3 shall be interpreted as supplementary to this Order

3. CRITICAL HEARINGS The following hearings are deemed critical:

In custody criminal (including juvenile)

- Arraignment
- Bail hearings/release hearings
- Plea and sentence
- Competency hearings
- Any other emergency Motion with the consent of a Judicial Officer

Civil

- Temporary Protection Orders (DVPO, VAPO, SAPO, ERPO)
- Immediate restraining orders where domestic violence is alleged
- Shelter care hearings
- Involuntary treatment hearings
- Guardianship hearings
- Any other emergency Motion with the consent of a Judicial Officer

During the term of this order only critical hearings will be conducted except as noted below. To accommodate the hearings noted above, the Court will hold calendars as follows:

- Involuntary treatment hearings – conducted telephonically on Tuesdays, Wednesdays and Fridays at 10:00 am
- Shelter Care Hearings – conducted telephonically on Tuesdays and Thursdays at 9:30 am
- Juvenile hearings – conducted telephonically Monday through Friday at 1:00 pm
- Ex Parte – conducted telephonically Monday through Friday at 1:30 pm
- Criminal matters – conducted at the Community Justice Center Monday through Friday at 2:30 pm. Appearances may be in person or telephonic.

4. PERMITTED NON-CRITICAL HEARINGS

A. **DEPENDENCY** The Court will hear motions regarding issues of parental or child's rights (to include dispositional orders, visitation, services, or other issues approved by the court prior to filing), emergent motions critical to child's safety and health, and appointment of an attorney for child. These hearings will be held in conjunction with shelter care hearings on Tuesdays and Thursdays at 9:30 am.

- B. CRIMINAL (OUT OF CUSTODY)** Out of custody arraignments will be heard on Tuesday Mornings at 9:30 am. These hearings will be conducted by video conference with telephonic connection available. A cap of 30 hearings per session will be observed. If a formal reading of the information will be waived, counsel for the defendant should have discussed the acknowledgement of rights and waiver with the defendant. The court will accept electronic signatures on the acknowledgment and any associated scheduling order pursuant to the Supreme Court's order noted above and any replacement thereto. Upon approval of the acknowledgment and any associated scheduling order, The party in possession thereof shall note the court's authorization on the physical order and file it with the Court Clerk. Out of custody plea and sentence may be scheduled on the Court's daily 2:30 criminal calendar with the understanding and knowledge that said hearings will be conducted by video. Statements on plea of guilty shall be provided to the Court for review.
- C. CIVIL** Agreed orders on civil matters are decided on the pleadings and noted on the daily 1:30 pm ex parte calendar. Non-agreed civil matters will be decided on the pleadings and should be noted for Fridays at 9:30 am. If the Court determines that oral argument is necessary, the Court will advise the parties. All parties on scheduled civil hearings should be prepared for telephonic oral argument on the scheduled hearing date provided they are notified that the court is requesting oral argument. Summary Judgment motions shall be heard telephonically on Thursdays at 9:30 am. Argument shall be limited to ten minutes per side.
- D. ADOPTIONS AND GUARDIANSHIPS** Agreed adoptions will be heard on the pleadings so long as an affidavit of formal testimony is submitted. Adoptions shall be heard on Friday mornings at 8:45 am. Guardianship hearings shall be heard telephonically at 9:00 am on Friday mornings.
- E. DOMESTIC RELATIONS/FAMILY LAW** The pro se (unrepresented litigants) calendar will be heard on Mondays at 9:00 am. The calendar for represented litigants will be heard on Fridays at 9:30 am. Both calendars shall be capped at fifteen cases per calendar. Telephonic hearings are capped at no more than eight per calendar. Hearings on these calendars shall be regulated as follows:
- i. **CHILD SUPPORT MOTIONS** Motions for modifications and temporary support orders will be heard on the pleadings unless a judicial officer requests telephonic argument. The parties must file a financial declaration and sealed financial records to include the last 2 years taxes with W-2 and pay stubs together with a declaration regarding issues and requests.

- ii. **CONTEMPT AND RESTRAINING ORDERS** Hearings on contempt motions and restraining orders will be heard on the Monday and Friday calendars telephonically.
 - iii. **TEMPORARY FAMILY LAW ORDERS AND OTHER MOTIONS** These motions will be heard on the pleadings unless telephonic argument is requested by a judicial officer.
 - iv. **ENTRY OF FINAL ORDERS** Final orders shall be presented ex parte together with parenting class certificates and an affidavit of formal proof/jurisdictional facts.
5. **TELEPHONIC/VIDEO HEARINGS** All hearings conducted under this Order shall be conducted telephonically or by video (see Emergency Administrative Order 20-3). Where Video hearings are designated as the format, telephonic participation shall also be available. The Court will post a daily docket on its website (<http://inside.skagit.local/Departments/SuperiorCourt/main.htm>) providing video address/telephonic call in information for every calendar.
6. **SHORTENED TIME ON CRIMINAL MATTERS** Motions for bail reduction, release on personal recognizance, temporary release, or any emergent matters shall be heard on shortened time if notice has been given to opposing counsel by noon of the day before the scheduled hearing.
7. **SCHEDULED PROTECTION ORDER HEARINGS** The Court will resume conducting Hearings on motions for Full Protection Orders. These hearings will be conducted by video conference but parties may also participate telephonically. The court may continue these matters as necessary to insure proper notice to the parties or to address evidentiary issues. Judicial Officers may, in their sole discretion, extend full hearings on temporary orders beyond 28 days based on agreement of the parties of additional specific findings of good cause.
8. **FACT FINDINGS/TERMINATION OF PARENTAL RIGHTS** All Dependency fact findings are continued to a date after June 2 2020. Further, 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.
9. **LIMITATION ON CIVIL MATTERS** During the term of this Order the Court will not be hearing any Unlawful Detainer matters with the exception of those alleging waste of the premises or maintaining a drug house, Motions for Default, Motions for Default Judgment, Motions for Judgment on the Pleadings, and Orders for Payment under writs of garnishment. Any of said matters that are noted for

hearing will be stricken. Any proposed Orders on said matters will be denied without prejudice.

10. **PROPOSED ORDERS** For all calendars, the moving party shall provide the Court with a proposed order in Word format at least five days before the hearing. The Court may strike any matter for which there is no proposed order. All proposed orders shall be emailed to: SValadez@co.skagit.wa.us.
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.

DATED this 4th day of May, 2020.



David A. Svaren
Presiding Judge