

FILED

MAR 18 2020

KLICKITAT COUNTY CLERK

SUPERIOR COURT OF WASHINGTON
IN AND FOR KLICKITAT/SKAMANIA COUNTY

IN RE THE KLICKITAT/SKAMANIA	:	Case No.:	<i>20-2-00001-20</i>
COUNTY SUPERIOR AND THE	:		
PANDEMIC OUTBREAK OF THE NOVEL	:	EMERGENCY ADMINISTRATIVE	
CORONAVIRUS DISEASE (COVID-19)	:	ORDER	

The actions set forth herein will take effect on Wednesday, March 18, 2020 and will remain in effect until further order of the Court, unless otherwise state herein. If a date is stated herein, the stated date may be extended by further Court Order.

- A. On February 29, 2020, Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the coronavirus 2019 (hereinafter "Covid-19").
- B. On March 4, 2020, Washington Supreme Court Justice Debra Stephens entered Order No. 25700-B-602, in response to the declared public health emergency in Washington State, that states, in part, as follows:

WHEREAS, during this state of emergency, it may become necessary for court in these counties to close, relocate or otherwise significantly modify their regular operations; and WHEREAS, the presiding Judges in these counties need sufficient authority to

1 effectively administer their courts in response to this state of
2 emergency, including to adopt, modify, and suspend court rules
3 and orders as warranted to address these emergency conditions,
4 NOW THEREFORE, pursuant to the Court's authority to administer
5 justice and to ensure the safety of court personnel, litigants, and the
6 public, IT IS HEREBY ORDER THAT:

- 7 1. The Presiding Judges of the Washington Courts are
8 authorized to adopt, modify and suspend court rules and
9 orders, and to take further actions concerning court
10 operations, as warranted to address the current public health
11 emergency;
- 12 2. Each court shall immediately transmit copies of emergency
13 local rules adopted or modified to address the public health
14 emergency to the Administrative Office of the Courts in lieu
15 of the requirements of General Rule 7;
- 16 3. Each Court that closes pursuant to the this Order or General
17 Rule 21 shall sign an administrative order closing the court,
18 file the original with clerk of the affected court, and notify the
19 Administrative Office of the Courts as soon as practicable.

20 C. On March 13, 2020, Governor Inslee ordered all K-12 public and
21 private schools in Washington State to close by no later than March
22 17, 2020 and remained closed through April 24, 2020. Governor
23 Inslee further ordered a ban on all public gatherings of more than 250
24 people in Washington State.

25 D. On March 13, 2020, President Trump declared a national emergency
in the United States of America related to the COVID-19 outbreak.

E. On Saturday, March 14, 2020, the Klickitat County Board of County
Commissioners Chairman Rex Johnston, along with Goldendale Mayor
Mike Canon and Bingen Mayor Betty Barnes, verbally issued
Declarations of Emergency, joining White Salmon Mayor Marla
Keethler, who had issued their declaration on March 13, 2020.

1 F. On March 16, 2020, Governor Inslee announced a statewide
2 emergency proclamation to temporarily shut down restaurants, bars,
3 and entertainment and recreational facilities. In addition all gatherings
4 with over 50 participants are prohibited and all gatherings under 50
5 participants are prohibited unless previously announced criteria for
6 public health and social distancing are met.

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8 G. On March 16, 2020, all three district courts within Klickitat and
9 Skamania County issued emergency orders adopting procedures to be
10 used within those courts.

11 H. On March 16, 2020, the Klickitat County Board of County
12 Commissioners advised that they intend to adopt a resolution effective
13 Tuesday, March 17, 2020 through April 24, 2020 closing all County
14 Offices including the Klickitat County Courthouse (except for Superior
15 Court) to the public.

16 I. On March 17, 2020, the Skamania County Board of County
17 Commissioners adopted a resolution declaring a state of emergency
18 for Skamania County related to the outbreak of COVID-19.

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20 J. As of March 17, 2020, the Washington State Department of Health
21 reported a total of 1012 confirmed cases of COVID-19 with 52 deaths.
22 As of March 16, 2020, Klickitat County has at least one (1) confirmed
23 case of COVID-19. However, as reported by the Washington State
24 Department of Health: Public health experts agree that the true number
25 of people who have been infected with COVID-19 in Washington

1 greatly exceeds the number of COVID-19 infections that have been
2 laboratory confirmed.

3 K. Klickitat County and Skamania County constitutes one judicial district
4 with one elected Superior Court Judge.

5 L. Pursuant to Chief Justice Stephen's March 4 order, many Washington
6 courts have instituted emergency procedures such as cancelling jury
7 panels, limiting court hearings, or instituting "social distancing" in the
8 courtroom, amongst other safety related measures.

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10 Given the significant number of identified and projected COVID-19 cases
11 in Washington State, the severity of the risk posed to the public, court
12 personnel and litigants, and the child care needs of potential jurors,
13 witnesses, and other parties, and based upon the consistent and urgent
14 advice of all public health experts that proactive "social distancing" and
15 limiting public gatherings is essential to address the emergent healthcare
16 concerns brought on by the COVID-19 outbreak, it is hereby ORDERED,
17 pursuant to the authority of Washington State Supreme Court Order No.
18 25700-B-602 and the authority as the Presiding Judge of both the Klickitat
19 County and Skamania County Superior Courts, that the following shall be
20 in effects as of March 18, 2020:

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22 1. Any persons exhibiting symptoms of COVID-19, including fever,
23 persistent cough, or shortness of breath SHALL NOT enter either the
24 Klickitat County Courtroom or the Skamania County Courtroom. Any
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1 persons exhibiting these symptoms shall be refused entry into the
2 courtroom.

3 Persons who are precluded from entering the courtroom or those
4 individuals at high risk for serious illness related to the COVID-19
5 outbreak shall contact the court administrator of the respective court to
6 request alternative arrangements to conduct their desired courtroom
7 business.

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9 2. All persons present in the courtroom shall adhere, to the extent
10 practicable, social distancing measures and maintain a distance of at
11 least 6 feet from any other person. The judicial officer presiding over
12 the courtroom shall have authority to exclude any person failing to
13 obey this directive.

14 3. All criminal jury trials and civil jury trials not yet in session shall be
15 continued until one of the regularly scheduled trial dates following April
16 24, 2020 or date set by court administrator. All juvenile fact-findings
17 shall be continued until one of the regularly scheduled fact-finding
18 dates following April 24, 2020 or date set by court administrator.

19 a. Jury trials scheduled in Klickitat County Superior Court for April
20 8, 2020, April 22, 2020 and May 6, 2020 shall be continued until
21 May 20, 2020. Jury trials scheduled for April 8, 2020, April 22,
22 2020 and May 6, 2020 will be set for a status conference
23 hearing on May 4, 2020 at 10:00 AM, final review hearing on
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1 May 18, 2020 at 9:00 AM and jury trial scheduled for May 20,
2 2020 at 8:15 AM.

3 b. Jury trials scheduled in Skamania County Superior Court for
4 April 13, 2020 shall be continued until May 11, 2020. Jury trials
5 scheduled for April 13, 2020 shall be set for a status conference
6 on April 30, 2020 at 11:00 AM and jury trial scheduled for May
7 11, 2020 at 8:15 AM.

8 c. Juvenile fact-findings scheduled in Klickitat County Superior
9 Court – Juvenile Division for March 26, 2020 and April 16, 2020
10 shall be continued until May 28, 2020 at 1:30 PM.

11 d. Juvenile fact-findings scheduled in Skamania County Superior
12 Court – Juvenile Division for April 15, 2020 shall be continued
13 until May 13, 2020 at 1:30 PM.
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15 Due to the reduced ability to obtain an adequate cross section of attentive
16 and focused jurors, the state limitations of gatherings of more than 50
17 people, and the effect of the public health recommendations on the likely
18 availability of witnesses, court personnel, and trial counsel to be effectively
19 present in the courtroom, the time period of continuances by this
20 Emergency Order will be excluded in computing time for trial pursuant to
21 CrR 3.3(e)(3), CrR 3.3(f)(2), JuCR 7.8(e)(3), JuCR (f)(2) and related local
22 court rules. The court further finds that the ends of justice served by
23 continuing these cases outweighs the defendant's right to a speedy trial.
24 The court further finds that any delays for time for trial are result of
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1 unavoidable and unforeseen circumstances and, therefore, are excluded
2 from computing time for trial by CrR 3.3(e)(8) and JuCR 7.8(e)(7).

3 Furthermore, the court suspends CrR 3.3 and JuCR 7.9 regarding time for
4 trial and CrR 3.4 and related local court rules requiring the presence of the
5 defendant, effective March 16, 2020 to at least April 27, 2020.

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7 4. Beginning March 18, 2020 for IN CUSTODY defendants/respondents
8 all hearings except for first appearances and arraignments shall be
9 stricken until at least April 27, 2020.

10 a. Any Klickitat County IN CUSTODY defendant having court
11 dates between March 18, 2020 and April 24, 2020 shall be set
12 for a review hearing on May 4, 2020 at 1:30 PM, unless set for
13 hearings pursuant to provisions in section 3(a) above.

14 b. Any Skamania County IN CUSTODY defendant having court
15 dates between March 18, 2020 and April 24, 2020 shall be set
16 for a review hearing on April 30, 2020 at 1:00 PM, unless set for
17 hearings pursuant to section 3(b) above.

18 c. Any Klickitat County IN CUSTODY respondent having court
19 dates between March 18, 2020 and April 24, 2020 shall be set
20 for a review hearing on May 28, 2020 at 1:30 PM, unless set for
21 hearings pursuant to provisions in section 3(c) above.

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23 d. Any Skamania County IN CUSTODY defendant having court
24 dates between March 18, 2020 and April 24, 2020 shall be set
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1 for a review hearing on May 13, 2020 at 1:30 PM, unless set for
2 hearings pursuant to section 3(d) above.

3 5. Beginning March 18, 2020 for OUT OF CUSTODY

4 defendants/respondents all hearings except for arraignments shall be
5 stricken until at least April 27, 2020.

6 a. Any Klickitat County OUT OF CUSTODY defendant having
7 court dates between March 18, 2020 and April 24, 2020 shall be
8 set for a review hearing on May 4, 2020 at 1:30 PM, unless set
9 for hearings pursuant to provisions in section 3(a) above.

10 b. Any Skamania County OUT OF CUSTODY defendant having
11 court dates between March 18, 2020 and April 24, 2020 shall be
12 set for a review hearing on April 30, 2020 at 1:00 PM, unless set
13 for hearings pursuant to section 3(b) above.

14 c. Any Klickitat County OUT OF CUSTODY respondent having
15 court dates between March 18, 2020 and April 24, 2020 shall be
16 set for a review hearing on May 28, 2020 at 1:30 PM, unless set
17 for hearings pursuant to provisions in section 3(c) above.

18 d. Any Skamania County OUT OF CUSTODY respondent having
19 court dates between March 18, 2020 and April 24, 2020 shall be
20 set for a review hearing on May 13, 2020 at 1:30 PM, unless set
21 for hearings pursuant to section 3(d) above.
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- 1 6. All civil bench trials scheduled between March 18, 2020 and April 24,
2 2020 are stricken and will be reset by the court administrator of the
3 respective court.
- 4 7. All civil motion dockets scheduled between March 18, 2020 and April
5 24, 2020 are stricken and will need to be re-noted by the party
6 originally requesting the hearing.
- 7 8. All dependency review hearings scheduled between March 18, 2020
8 and April 24, 2020 are continued until the earliest dependency docket
9 following April 24, 2020.
- 10 9. All truancy, at-risk youth and child in need of services hearings
11 scheduled between March 18, 2020 and April 24, 2020 are continued
12 until the earliest non-offender juvenile docket following April 24, 2020.
- 13 10. All financial review hearings scheduled between March 18, 2020 and
14 April 24, 2020 are continued until the earliest financial review docket
15 following April 24, 2020.
- 16 11. All settlement conferences scheduled between March 18, 2020 and
17 April 24, 2020 are administratively cancelled. Settlement conferences
18 may be rescheduled by contacting the court administrator of the
19 respective court. Settlement conferences will not be rescheduled until
20 a date after April 27, 2020.
- 21 22 12. At the judicial officer's discretion, any temporary domestic violence
23 protection orders, harassment, stalking, sexual assault protection
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1 orders, or vulnerable adult protection orders may be issued for more
2 than 14 days in order to schedule a full hearing after April 27, 2020.

3 13. Any necessary emergent hearings shall be scheduled only after
4 receiving authorization from the court administrator from the respective
5 court wherein the matter is currently pending. Court administrator shall
6 schedule any approved necessary emergent hearing.
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8 14. Beginning March 18, 2020, the court will hold all hearings
9 telephonically in Klickitat County Superior Court, unless alternative
10 arrangements are approved by and made through the court
11 administrator for Klickitat County. Telephonic appearances and
12 participation will liberally be allowed for all hearings conducted in
13 Skamania County Superior Court.

14 Litigants and/or attorneys will email telephonic request to court
15 administrator of the respective court. Klickitat County telephonic
16 requests shall be made by emailing to either johnfv@klickitatcounty.org
17 or maryh@klickitatcounty.org or mailing request to Superior Court
18 Administrator, 205 S. Columbus Avenue RM 206, Goldendale WA
19 98620. Skamania County telephonic requests shall be made by
20 emailing to bell@co.skamania.wa.us or mailing request to Superior
21 Court Administrator, PO Box 790, Stevenson, WA 98648.
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23 15. All court filings may be electronically signed pursuant to the
24 requirements of GR 30(d)(2). Electronic signatures filed in compliance
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1 with GR 30(d)(2) shall bind the signer and function as the signer's
2 signature for any purpose, including CR 11. GR(d)(3).

3 16. Any matters not addressed in this emergency order shall proceed in
4 the manner consistent with all State and Local Court rules.
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6 DATED this 16th day of March, 2020.
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10 Randall C. Krog, Presiding Judge of
11 Klickitat/Skamania County Superior
12 Courts
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