

Washington Statewide Courts Significantly Limited Due to COVID 19 Emergency

On March 20, 2020, the Washington Supreme Court issued Amended Order 25700-B-607, *In re the Matter of Statewide Response by Washington Courts to the COVID 19 Pubic Health Emergency*.¹ The full Order can be found [here](#) on the WDA website, where other resources related to the COVID 19 emergency are located. Below is a summary of the March 19 Order.

All Criminal Courts- Superior Courts (including Juvenile) and Courts of Limited Jurisdiction

Jury trials/criminal (Sec. 4)	All jury trials suspended until after April 24, 2020.	
In custody hearings are limited. (Sec. 7)	Courts will continue to hear first appearance, arraignment, criminal motions, plea and sentencing; courts have discretion in scheduling.	All other hearings postponed until after April 24, 2020.
Release hearings are prioritized. (Sec. 7, 12)	Courts must prioritize bail/release motions and plea and sentencing hearings if defendant may be released within 30 days.	No Motion to Shorten Time required.
Pretrial release hearings must be expedited. (Sec. 12)	Individuals identified as vulnerable or at risk by CDC: COVID 19 is presumed to be a “significant change in circumstances” no further briefing required. Court shall schedule hearings within 5 days.	Court shall schedule bail/release hearings for vulnerable individuals within 5 days.
	In all other cases the COVID 19 crisis may provide a “material change in circumstances” under CrR/CrRLJ 3.2(k)(1)* and “new information.”	Courts are encouraged to expedite hearings in other cases with consideration of victims and witnesses to participate.
	Parties may present AGREED ORDERS for release which shall be signed expeditiously.	
Courts must allow video and phone appearances where possible. (Sec. 13)	Courts must allow video and telephonic appearance for all scheduled criminal hearings between now and April 24, 2020, unless impossible.	Hearings that are considered a critical stage of the proceeding, courts shall provide a means for the defendant to have private and continual discussion with their attorney.
		All hearings required to be public must be recorded and the recording shall be preserved for the record.
Out of custody pending cases. (Sec. 5)	All out of custody matters already pending continued until after April 24, 2020, except those motions, actions on agreed orders, conferences or other proceedings	

¹ This Order amends Order No 25700-B-606, issued March 18, 2020.

	that can be appropriately conducted by telephone, video or other means that does not require in person attendance.	
Arraignments (ARR) on out of custody matters are postponed. (Sec. 5)	ARR on out of custody matters filed between now and April 24, 2020 or with a first appearance after that date will be deferred until 45 days after the filing of charges.	Good cause exists to extend the arraignment date; the new arraignment date shall be considered the initial commencement date for purpose of determining the time for trial. Nothing in this section requires suspension of therapeutic court proceedings that can be conducted by phone, video or other means that does not require in person attendance.
No contact orders (NCOs)- Court may issue Ex Parte (Sec. 6)	Courts may enter ex parte NCOs when court finds PC in sex, DV, harassment and stalking cases.	Ex parte NCOs can be served on the defendant by mail.
		Good cause exists to extend the time for an ex parte NCO beyond the initial period until a hearing can be held
		Does not relieve the prosecution from proving a knowing violation of an ex parte NCO.
Speedy Trial/Excluded Period (Sec. 9)	Continuance of criminal hearings and trials is required in the administration of justice. Serious danger caused by COVID 19 is good cause to continue criminal jury trials and constitutes an unavoidable circumstance.	The period between this ORDER and the next scheduled trial date is an “excluded period” under CrR/CrRLJ3.3(e)(8) and JuCr 7.8(e)(3)
Defendant signature not required to continue. (Sec. 10)	Defense attorneys do not have to obtain defendants signature on orders to continue criminal matters through April 24, 2020.	Courts to provide notice to defense attorneys and unrepresented criminal defendants; Defense counsel shall provide notice to defendants of new court date.
Bench warrants are limited. (Sec. 11)	Bench Warrants may issue for violation of conditions of release now through April 24, 2020.	Courts should not issue warrants for failure to appear for court hearings and pretrial supervision meetings unless necessary for the preservation of the public or individual safety.

Juvenile

Extend jurisdiction to next scheduled hearing after Apr 24, 2020. (Sec. 8)	In all pending cases and all cases filed prior to April 24, 2020 where juvenile will turn 18 within 120 days of April 24, 2020	
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Pretrial release (Sec. 7, 12)	Juvenile courts may reconsider release based on the COVID 19 crisis pursuant to JuCr 7.4.	Individuals identified as “high risk” by CDC: COVID 19 is presumed to be a “significant change in circumstances” no further briefing required.
		In all other cases the COVID 19 crisis may provide a “material change in circumstances” and “new information”
Other court practice/procedural issues (Sec. 14, 15)	There are procedural issues in juvenile, dependency, involuntary commitment, and child support courts and other matters not encompassed by the Order.	Nothing in this order limits interested parties in submitting similar orders in those or other matters not covered by this order, however parties are strongly encouraged to contemplate issues addressed in this order. Nothing in this order prevents courts from following specific emergency plans for such matters including ITA and dependency matters. Nothing limits courts from adopting protective measures that are more restrictive, including extending the time frames in this order.
Making a record	This order and other applicable emergency orders may be deemed part of the record in affected cases for purposes of appeal without the need to file the orders in each case.	

Civil

All civil jury trials suspended until after April 24, 2020. (Sec. 1)		
All non-emergency civil matters continued until after April 24, 2020. (Sec. 2)	Amended: Exception for motions, actions on agreed orders, conferences or other proceedings that can appropriately be conducted by telephone, video or other means that does not require in person attendance.	
All emergency hearings by video, phone or other means. (Sec. 3)	All emergency matters including civil protection orders and restraining order matters that must be heard before April 24, 2020, must be heard by phone, video conference or other means that does not require in person attendance, unless impossible.	All phone, video, or other hearings that are required to be public must be recorded, and recording preserved for the record.
		Where court matters must be heard in person, social distancing and other public health measures must be strictly observed.