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5 IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
6 COUNTY OF KING

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8 IN THE MATTER OF THE RESPONSE BY
9 KING COUNTY SUPERIOR COURT TO THE No. 20-0-12050-5 SEA
10 PUBLIC HEALTH EMERGENCY IN
11 WASHINGTON STATE

11 WHEREAS, the novel coronavirus (COVID-19) pandemic has created a state-wide public health
12 emergency;

13 WHEREAS, families in dependency and termination cases are entitled to due process to protect
14 their fundamental rights;

15 WHEREAS, pursuant to RCW 13.34.070(1) and JuCR 3.4(c) this court must give precedence to
16 scheduling dependency fact-finding hearings;

17 WHEREAS, pursuant to RCW 13.38.150(1) voluntary placement agreements under the Indian
18 Child Welfare Act must be “recorded before a judge;”

19 WHEREAS, pursuant to JuCR 3.10 and RCW 13.34.150, any party may move to change,
20 modify, or set aside an order and no order shall be changed, modified, or set aside except after
21 notice to all parties and a hearing, unless the court waives the hearing on its own motion or upon
22 motion of one of the parties, for good cause shown;

23 WHEREAS, pursuant to King County Superior Court Emergency Order Number 17, the Lead
24 Dependency Judge may, by Order, expand the scope of dependency matters, subject to all
25 requirements regarding health and safety;

NOW, THEREFORE, pursuant to the Court's authority to administer justice and to ensure the
safety of the courts, personnel, litigants, and the public during this public health emergency, it is
hereby ORDERED:

1) IN-PERSON HEARING CALENDAR: Until June 5, 2020, only two types of dependency or termination matters may be heard in-person:

a) Shelter Care Hearings:

i) If discovery is provided by 4:00 the day before the scheduled hearing, any professional party can elect to participate remotely. If discovery is not provided by 4:00 the day before the hearing, all professional parties may be required to appear in person.

ii) All parties in shelter care hearings shall make their best efforts to make it possible for the shelter care emergency matter to be heard by telephone, video, or other means that do not require in-person attendance.

b) Voluntary Placement Agreements pursuant to the Indian Child Welfare Act.

i) An in-person hearing will be available for any voluntary placement agreement that must be entered before a court pursuant to RCW 13.38.150(1). The court will accommodate a request by any party to appear remotely.

ii) All parties to the VPA shall make their best efforts to make it possible for the matter to be heard by telephone, video, or other means that do not require in-person attendance.

2) TELEPHONIC HEARING CALENDAR: Until June 5, 2020, all motions and additional and subsequent shelter care hearings will be heard telephonically, or by video, as arranged by the court.

a) Motions: Contested dependency motions will proceed according to Local Court Rule, including LJuCR 1.8, LJuCR 3.12, and LJuCR 3.13 with the following modifications:

i) Motions will only be heard telephonically or by video as arranged by the court; and

ii) The court will accept electronically signed or telephonically endorsed declarations in support of motions; and

iii) The court will not consider motions for service by publication until after June 5, 2020; and

iv) In order to facilitate the orderly consideration of motion hearings, once the telephonic hearing begins, the court will hear from all parties in this sequence: DCYF/AGs, CASA, Attorney for the Children (if more than one child in the order of oldest to

1 youngest), Attorney for the Parents (if more than one in alphabetical order). Each
2 party will have no more than five minutes and there shall be no replies.

3 v) Parties are encouraged to note motions without oral argument.

4 b) Additional and Subsequent Shelter Care Hearings: Parties may request additional or
5 subsequent shelter care hearings to occur telephonically. The rules set forth in RCW
6 13.34.065(1), LJuCR 2.3(h), LJuCr 2.5(b), apply except that the hearings will take place
7 remotely rather than in-person.

8 3) AGREED ORDERS:

9 a) The Court will consider agreed orders submitted by email that include proof of agreement
10 by all parties.

11 b) Agreed orders regarding trial continuances should comply with section 4 of this order.

12 c) The Court encourages parties to reach agreement on modifications to orders regarding
13 visitation.

14 4) DEPENDENCY AND TERMINATION TRIALS:

15 a) No default orders for dependency fact-findings, termination fact-findings, or Title 13
16 guardianship fact-findings shall be entered until after July 7, 2020.

17 b) All existing orders for service by publication, which permitted service by publication to
18 occur between March 4, 2020 and June 5, 2020, are hereby VACATED. The court will
19 commence considering motions for service by publication on June 5, 2020.

20 c) All dependency fact-findings hearings in Seattle are continued until June 5, 2020 and in
21 Kent until June 8, 2020. Exceptional reasons pursuant to RCW 13.34.070(1) exist to
22 continue all dependency fact-finding hearings. All dependency pretrial hearings in
23 Seattle are continued until June 5, 2020 and in Kent until June 8, 2020.

24 d) All termination fact-finding hearings in Seattle are continued until July 10, 2020, and in
25 Kent until July 13, 2020. All termination preliminary hearings and pretrial hearings are
continued July 10, 2020, for Seattle, and July 13, 2020 for Kent.

1 5) OTHER HEARINGS: Permanency Planning Hearings, Review Hearings, Initial Progress
2 Review Hearings, Dispositional Hearings, and 30-day shelter care hearings, are continued
3 until July 7, 2020.

4 6) This Court may extend the time frames in this Order as required by continuing public health
5 emergency, and if necessary, will do so by further order.

6 DATED at _____, Washington this ____ day of April, 2020.
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