

IT IS HEREBY ORDERED:

1. All parties to civil commitment proceedings are responsible for complying with the Community Protection Act (CPA), as set forth in chapter 71.09 RCW, to ensure that all detained and civilly committed residents' civil rights are respected during this public health emergency.
2. For those persons detained and committed in facilities operated by DSHS, DSHS shall provide for reasonable means and methods of communication between detained and civilly committed residents and their counsel, which may include in person, video, or telephone. Attorneys shall provide DSHS as much advance notice as possible about their desire to communicate with residents and their preferred method for doing so. All in-person visitors to DSHS facilities must follow applicable screening procedures in place for visitors to those facilities.
3. DSHS shall continue to perform annual examinations and reporting obligations under RCW 71.09.070. DSHS evaluators shall conduct examinations in person whenever safe and feasible or by secure video. Where an in-person or secure video examination is not safe or feasible, the DSHS evaluator may conduct an interview by telephone. Courts shall continue to hold show cause hearings as required by RCW 71.09.090. Show cause hearings may be conducted by telephone and/or video conference.
4. DSHS shall provide respondent and petitioner experts reasonable access to the resident to evaluate the resident pursuant to RCW 71.09.050, RCW 71.09.090, and RCW 71.09.098. All in-person visitors to DSHS facilities must follow applicable screening procedures in place for visitors to those facilities.
5. The parties shall continue to operate under current discovery schedules. Parties are encouraged to submit agreed orders resetting deadlines or to bring motions for additional time should that be necessary. Discovery shall continue. Depositions may be noted by telephone or video conference if social distancing and other public health measures cannot be strictly observed in person.
6. Each person involuntarily detained, treated in a less restrictive alternative, or committed for treatment shall have reasonable access to a telephone, both to make and receive confidential calls with counsel.
7. Each person involuntarily detained, treated in a less restrictive alternative, or committed for treatment shall continue to have the right to adequate care and individualized treatment under RCW 71.09.080(3). DSHS shall continue to provide individualized treatment, in person or by remote means where necessary.
8. Court proceedings and resident meetings with defense counsel shall be conducted by remote means if reasonably feasible, and may be conducted by telephone if video is not available or appropriate in the circumstances of the particular case. Where court proceedings must occur in person, or where defense counsel must meet in person with a resident, social distancing and other public health measures must be strictly observed.
9. Courts shall work with all parties and any interpreters to provide a safe means for the introduction of evidence at evidentiary hearings. During all hearings conducted via video or teleconference, courts shall ensure that a means for the respondent to have private discussions with respondent's counsel is provided. During a hearing, limitations on technology shall not be a reason to prevent a

respondent from providing testimony, if they choose. Hearings, other than jury trials, regarding a resident's detention, commitment, conditional or unconditional release, modification or revocation should be held on schedule in compliance with chapter 71.09 RCW.

10. COVID-19 should not normally constitute conditions allowing waiver of applicable statutory timeframes for hearings, except for jury trials, as articulated in RCW 71.09. However, courts may grant continuances for preparation, and for good cause, including for COVID-19. Notwithstanding any statutory provision to the contrary, Respondents' jury trial dates shall commence on or after July 6, 2020, unless extended by further order of the Court. Respondent's jury trial dates shall be given priority in rescheduling over non-commitment civil matters, due to the liberty interest involved.

12. Trial court clerks shall review their procedures and consider implementing measures to facilitate the filing of pleadings without the need for person-to-person contact.

13. For proceedings conducted by video or telephone, the judge will explain how the hearing will occur to ensure the respondent understands the process.

14. Nothing in this order prevents courts from developing and implementing jurisdiction specific procedures that meet the directives outlined herein.

15. This order applies solely to RCW 71.09 proceedings, and the Court may extend the time frames in this order or its Second Revised and Extended Order Regarding Court Operations No. 25700-B-618 as required by the continuing public health emergency, and if necessary, will do so by further order. 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. This order takes effect immediately.

16. As used in this order, "parties" includes petitioners, respondents, and counsel.