



The Supreme Court of Washington
Second Revised and Extended Order Regarding Court Operations,
No. 25700-B-618 (Apr. 29, 2020)¹

Criminal Courts and Juvenile Offender Courts

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| Jury trials (Section 6) | All jury trials suspended until after July 6, 2020. | |
| Non-jury trials (Section 6) | Nonjury trials may be conducted by remote means <i>or in person with strict observance of social distancing and other public health measures.</i> | |
| In custody hearings are limited. (Section 9) | First appearance, arraignment, criminal motions, plea, and sentencing or disposition hearings will continue. | Trial courts have discretion in scheduling. |
| | All other hearings postponed until after June 1, 2020 | |
| Out of custody pending matters are continued (Section 7) | Most out of custody matters already pending are continued until after June 1, 2020. | |
| | Exceptions for (1) motions, actions on agreed orders, status conferences or other proceedings that can appropriately be conducted by telephone, video or other means that does not require in-person attendance; and (2) matters that require in-person attendance but should in the interests of justice be heard immediately, <i>provided that any such hearings must strictly comply with current public health mandates.</i> | |
| Hearings that may result in release are prioritized. (Section 9) | Courts must prioritize bail/release motions and plea and sentencing or disposition hearings if individual may be released within 30 days. | Parties are not required to file motions to shorten time for these hearings. |
| Pretrial release hearings must be expedited. (Section 14) | Courts shall hear motions for pretrial release in criminal and juvenile offender matters on an expedited basis without requiring a motion to shorten time. | This section is not intended to affect the rights of victims or witnesses. |
| | Courts “shall” schedule bail hearings for vulnerable individuals within 5 days. | In other cases courts encouraged to expedite hearings, considering |

¹ The Washington Supreme Court webpage for more information and a copy of the order, found at <http://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20Orders/Extended%20and%20Revised%20Supreme%20Court%20Order%20042920.pdf>, (Last accessed 4.30.2020)

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| | | the rights of witnesses and victims to participate. |
| | Individuals identified as “high risk” by CDC: COVID 19 is presumed to be a “material change in circumstances” no briefing required. | |
| | In all other cases, the COVID 19 crisis may provide a “material change in circumstances” and “new information” under CrR/CrRLJ 3.2(k)(1) | A finding of changes circumstances is left to discretion of trial court. |
| | Parties may present AGREED ORDERS for release which shall be signed expeditiously. | |
| Courts must allow video and phone appearances where possible. (Section 15) | Courts must allow video and telephonic appearance for all scheduled criminal and juvenile offender hearings whenever possible. | At critical stage hearings, courts shall provide a means for the defendants and respondents to have private and continual discussion with their attorney. |
| Arraignments (ARR) on out of custody matters are postponed. (Section 7) | Arraignment on out of custody criminal and juvenile offender cases filed between March 18, 2020 and July 3, 2020 may be deferred until a date 45 days after the filing of charges. Good cause exists under CrR 4.1 and CrRLJ 4.1 and JuCR 7.6 to extend the arraignment dates. The new arraignment date shall be considered the “initial commencement date” for purposes of establishing the time for trial under CrR 3.3(c)(1), CrRLJ 3.3(c)(1) and JuCR 7.8(c)(1). | Nothing in this section requires suspension of any proceeding, including therapeutic court proceedings, that can appropriately be conducted by telephone, video or other means that does not require in-person attendance |
| Juvenile court has extended jurisdiction (Section 10) | In all pending cases and all cases filed prior to June 1, 2020 where juvenile will turn 18 within 120 days of May 4, 2020, juvenile court jurisdiction shall be extended to next scheduled juvenile court hearing after June 1, 2020 | |
| NCOs: Court may issue ex parte (Section 8) | 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 or electronic means of service. |
| | | 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 (Section 11) | The period between this ORDER and September 1, 2020 is an “excluded period” under CrR/CrRLJ 3.3(e)(8) and JuCr 7.8(e)(3) (unavoidable circumstance) | Based on serious danger caused by COVID 19, court finds good cause for continuance of trial dates in the administration of |

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| | | justice. |
| Defendant signature not required (Section 12) | Defense attorneys do not have to obtain defendants signature on orders to continue criminal matters through June 1, 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 limited. (Section 13) | Bench Warrants may issue for violation of conditions of release. | 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. |
| No bench warrants in juvenile status cases. (Section 13) | Courts should not issue or enforce bench warrants for juvenile status offenses or violations. | Courts should not issue or enforce bench warrants for juvenile status offenses or violations. |

Civil Courts

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| Jury trials (Section 1) | All civil jury trials suspended until at least July 6, 2020. | |
| Non-jury trials (Section 1) | Non-jury trials may be conducted by remote means or <i>in person with strict observance of social distancing and other public health measures</i> . | |
| Non-emergency civil matters (Section 2) | All non-emergency civil matters may be continued until after June 1, 2020. | |
| | However, courts should begin to hear non-emergency civil matters that can be conducted by phone, video or other remote means or <i>in person with strict observance of social distancing and other public health measures</i> . | |
| Emergency civil matters (Section 3) | Courts shall continue to prioritize and hear emergency matters that can be by phone, video or other means or <i>in person with strict observance of social distancing and other public health measures</i> . | |
| Civil Protection and Restraining Orders (Section 4) | Courts shall continue to hear; must provide an accessible process for filing petitions for civil protection orders and motions for temporary restraining orders may include filing in person or remotely. | Courts encouraged to provide alternative means for filing, including electronic filing whenever possible. |
| | Significant changes to personal service requirement. (Section 4(a)) | |
| | Significant changes to timing of hearings and extension of temporary protection orders. | |

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| | (Section 4(b)) | |
| Modifications in civil proceedings (Section 5) | Courts should encourage parties to stipulate in writing to modification of case schedules, methods of service, and to conduct discovery remotely where possible. | |

General Provisions

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| Access to courts (Section 16) | Access to justice must be protected during an emergency. Where court requires remote access, courts must provide no cost options. | |
| Court hours (Section 17) | Courts must provide clear notice of court hours and information on how to seek emergency relief from the court. | |
| Interpreters (Section 18) | Interpreter services should not be restricted by emergency operations. | Interpreting should be done by remote means when possible. |
| Open courts (Section 19) | Any limitations on public access to court proceedings caused by the emergency must be consistent with <i>State v. Boneclub</i> and <i>Seattle Times v. Ishikawa</i> . ² | Courts should continue to record remote hearings and to make a record. |
| | | Courts should develop protocols for allowing public observation of video or telephonic hearings. |
| Electronic Signature (Section 20) | Electronic signature is deemed a reliable means for authentication of documents; treated same as original signature to a paper copy of doc. | |
| Other procedural issues not covered in Order (Section 21) | Supreme Court recognizes there are procedural issues not covered in this order, including juvenile, dependency, involuntary commitment, child support and other matters. | Nothing in this order limits interested parties in submitting similar orders in those or other matters not covered by this order. |
| | | Nothing limits courts from following specific emergency plans for such matters, including ITA and dependency matters. |
| | | If this Order conflicts with any provision of another supreme Court order addressing specific case matters, the provision of the more specific order shall control. |
| Other procedural issues- health and safety measures (Section 22) | Individual courts may adopt more restrictive measures to protect health and safety and may extend the time frames in this order. | Courts encouraged to move toward conducting as much court business as can be done consistent with public health and |

² *State v. Bone -Club*, 128 Wn.2d 254 (1995) and *The Seattle Times v. Ishikawa*, 97 Wn.2d 30 (1982)

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| | | safety. |
| | | Courts should follow the most protective public health guidance in their jurisdiction based on current guidelines from the CDC and WA Dept of Health or the local health department. |
| Jury service (Section 22) | Jury summons process must provide process to excuse or delay jury service for individuals at higher risk from COVID 19 exposure based on age or health conditions, or of household member. | |
| Continuing orders and appeal (Section 23) | Supreme Court may extend time frames in this order and if so will issue a further order. | This Order supersedes prior orders dated March 18, March 20, and April 13, 2020. |
| | 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 these orders in each case. | All times previously extended may be deemed further extended by this order. |