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

IN THE MATTER OF THE RESPONSE BY KING COUNTY SUPERIOR COURT TO THE PUBLIC HEALTH EMERGENCY IN WASHINGTON STATE	No. 20-0-12050-5 SEA MOTION FOR RECONSIDERATION OF EMERGENCY ORDER NUMBER 16 re DEPENDENCY MATTERS
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I. RELIEF REQUESTED

Anita Khandelwal, Director of the King County Department of Public Defense (DPD), moves this court to reconsider its decision to not hear non-emergency motions in dependency proceedings during the COVID-19 pandemic. *See* Urs Decl. at 12 (King County Superior Court Emergency Order Number 16 re Dependency Matters, Mar. 30, 2020). The decision to not hear non-emergent motions puts the due process rights of DPD’s clients and the dependency statutory scheme in jeopardy. Director Khandelwal requests that the court reconsider its Emergency Order Number 16 and allow all non-emergency dependency motions to be heard telephonically or by video, all agreed orders to be considered, and voluntary placement proceedings under Indian Child Welfare Act to occur pursuant to pre-public health crisis protocols.

II. STATEMENT OF FACTS

On February 29, 2020, Governor Inslee declared a state of emergency resulting from COVID-19. Urs Decl. at 13 (Proclamation by the Governor 20-05—*Stay Home, Stay Healthy*, Feb. 29, 2020). To address this emergency Governor Inslee issued multiple proclamations that

1 changed life and work in Washington State—including orders to stay at home, close restaurants
2 and businesses, and require Washingtonians to work from home unless they are essential
3 personnel. *See* Urs Decl. at 13 (Proclamation by the Governor 20-25, Amending Proclamation
4 20-05—*Stay Home, Stay Healthy*, Mar. 23, 2020).

5 In order to assist Washington State courts protect those who petition the court to vindicate
6 their rights, the Washington State Supreme Court entered an emergency order granting state
7 courts the authority to “modify their regular operations” to “effectively administer their courts in
8 response to this state of emergency[.]” Urs Decl. at 4 (*In the Matter of the Response by*
9 *Washington State Courts to the Public Health Emergency in Washington State*, Mar. 4, 2020) at
10 1.

11 On March 18, 2020, the Washington State Supreme Court found that Washington courts
12 needed “further direction from this Court” and issued a sweeping order that continued all “non-
13 emergency civil matters” until after April 24, 2020. *In the Matter of Statewide Response by*
14 *Washington State Courts to the COVID-19 Public Health Emergency* at 3. In the same order, the
15 Supreme Court also noted that “[n]othing in this order limits the authority of courts to adopt
16 measures to protect health and safety that are more restrictive than this order[.]” *id.* at 8, or to take
17 “important steps to protect public health while ensuring continued access to justice and essential
18 court services[.]” *id.* at 2.

19 On March 20, 2020, the Washington State Supreme Court amended *In the Matter of*
20 *Statewide Response by Washington State Courts to the COVID-19 Public Health Emergency* (the
21 March 18th order) and specifically noted that: “All non-emergency civil matters shall be continued
22 until after April 24, 2020, *except* those motions, actions on agreed orders, conferences or other
23 proceedings that can appropriately be conducted by telephone, video or other means that does not
24 require in-person attendance.” Urs Decl. at 5 (*In the Matter of Statewide Response by Washington*
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1 *State Courts to the COVID-19 Public Health Emergency* (Amended Order)) at 3 (emphasis
2 added).

3 Pursuant to the Washington State Supreme Court emergency orders, King County
4 Superior Court enacted its own emergency orders to ensure orderly access to the courts. On March
5 27th, King County Superior Court issued Emergency Order Number 15 re Civil and Family Law
6 Matters. *See* Urs Decl. at 8 (Emergency Order Number 15). The court noted that, pursuant to
7 directives from the Supreme Court’s March 18th and March 20th emergency orders, it would allow
8 non-emergency civil motions to be heard in a manner consistent with social distancing.¹ *See*
9 Emergency Order Number 15 at B(2). In the same order, the court barred non-emergency family
10 law motion practice because “there is a high volume of emergency matters that have priority and
11 because there are many self-represented parties who face significant barriers to accessing the
12 court and responding to motions during this period, and who should not be compelled to violate
13 the Governor’s proclamation to respond to a non-emergency motion.” *Id.* at F(2) (excluding
14 dependency matters from this emergency order).

15 Subsequently, the court entered Emergency Order Number 16 re Dependency Matters. In
16 this order the court—citing the Supreme Court’s March 18th emergency order but not the March
17 20th amended order—continued all non-emergency matters until after April 24, 2020. *Id.* at 1.
18 Pursuant to Emergency Order Number 16, the court has refused to hear any dependency motions
19 involving non-emergency matters. *See* Urs Decl. at 9, 12. The result is that DPD clients are unable
20 to protect their interests in family integrity and/or personal liberty. *See* Urs Decl. at 19-31. For
21 example, by finding motions by DPD attorneys to not raise emergent issues, the court has refused
22 to hear issues of fundamental liberty and family integrity including motions to return a child home
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24
25 ¹ The court declared that non-emergency civil motions would be heard on a nine-day noting period and that oral
argument would occur remotely in instances where the court determined that argument was necessary to rule on the
motion. *Id.* at B(2)-(3).

1 to their parent, motions for in-person visitation, and motions to return a child from a foster care
2 home to a suitable adult placement with someone they know. *See* Urs Decl. at 28-31; *see also*
3 Urs Decl. at 29, Exhibit Q (identifying incident where an expert noted that an abrupt end to in-
4 person family visitation would traumatize the child and the court still rejected the motion after
5 finding the issue was not unique but one that many other families face). All of these motions
6 could have been adjudicated via telephonic hearings. *See* Urs Decl. at 14. Instead, the court
7 declined to hear these motions, and provided no official date on which they might be heard.

8 Further, the bar Emergency Order Number 16 creates on non-emergency motions results
9 in the effective evisceration of other important rights. For example, it is unclear whether motions
10 to appoint counsel for children, even when required by due process, will be deemed an emergency
11 or whether attorneys potentially face sanctions for filing such a motion because the court may
12 deem the motion non-emergent. *See* Urs Decl. at 25-26.

13 The bar on non-emergency motions has also resulted in the court making substantive
14 decisions regarding parental rights outside of the courtroom, without input from parties, and
15 without due process protections. *See* Urs Decl. at 9, 28 (determining that in-person visits were
16 barred under Governor Inslee’s proclamation regarding youth in the foster care system). That
17 decision was ultimately upheld and rejected by the Supreme Court which affirmed that in-person
18 visitation is still available to families involved in the foster care system and that some requests
19 for visitation must be heard as emergent matters. Urs Decl. at 15 (Supreme Court Dependency
20 Order) (affirming that in-person visitation was not barred under Governor Inslee’s proclamation
21 regarding youth in the foster care system).

22 Emergency Order Number 16 also frustrates parties’ ability to anticipate and prepare for
23 future trials. The order bars the entry of agreed orders continuing dependency and termination
24 trials. Urs Decl. at 12, Emergency Order Number 16 at 2. The court will allow certain other agreed
25 orders, including: “Dependency with Waiver, Disposition Orders, Dismissal Orders, Placement

1 Change, etc.”² *Id.* However, Emergency Order Number 16 bars the entry of agreed orders
2 continuing dependency and termination trials. Urs Decl. at 12, Emergency Order Number 16 at
3 2. The result is that parties, who would otherwise agree to continue a termination of parental rights
4 trial, must now prepare for a trial to resume shortly after courts open, though it remains unclear
5 when that will be.³ Further, the bar on non-emergency motions also prevents DPD attorneys from
6 bringing motions to compel the production of discovery, which is produced electronically. Urs
7 Dec. at 26. Without discovery, attorneys are unable to effectively use this time to prepare for
8 future trials and hearings. *Id.* Accordingly, the refusal to hear certain agreed orders and non-
9 emergency motions for discovery has burdened every party involved in uncontested dependency
10 matters and issues. *Id.*

11 On April 2, 2020, Governor Inslee extended the Stay Home, Stay Healthy emergency
12 order by a month to May 4th. Urs Decl. at 13. Four days later, Governor Inslee also closed all
13 state schools for the remainder of the school year. Urs Decl. at 16. On April 10th, Governor Inslee
14 indicated that the Stay Home, Stay Healthy order will likely be extended beyond May 4th. On
15 April 13, 2020, the Supreme Court revised and extended its original emergency order and noted
16 that nothing barred or required courts to hear non-emergent civil motions before May 4, 2020.
17 *See* Urs Decl. at 18. It is unclear when and how American society—and the courts—will reopen
18 and return to more traditional functioning.

22 ² It is uncertain how—or why—the court made the determination that some agreed orders will be heard but not
23 others.

24 ³ For example, a DPD attorney reached an agreement with the other parties in the case to continue a termination of
25 parental rights trial, currently set for May, for several months—the parties wished to formally enter their agreement
in March which would allow all parties (especially the parents facing possible permanent deprivation of their
parental rights) to know how the case will proceed and how to prepare for trial. Now the parties have to prepare as if
the case will proceed to trial as scheduled.

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2 **III. ARGUMENT**

3 **A. DPD Has an Extensive Family Defense Practice Whose Clients Are Negatively**
4 **Impacted by Executive Order Number 16’s Bar on Hearing Non-Emergency**
5 **Motions**

6 Last year, DPD attorneys were assigned to represent more than 600 new adult clients and
7 more than 200 children, in dependency and termination cases. At any one-time DPD attorneys
8 carry approximately 1,200 dependency cases each month for adult clients and approximately 400
9 cases for children clients. Anita Khandelwal, as Director of DPD, has standing to bring this
10 Motion for Reconsideration—pursuant to Civil Rule 60(b)—on behalf of clients denied access to
11 the court by Executive Order Number 16. *See Vovos v. Grant*, 87 Wn.2d 697, 701, 555 P.2d 1343
12 (1976). *See also* King County Charter 350.20.60 (creating mandatory obligation that DPD
13 promote access to justice, equity, and to pursue system improvements).

14 **B. King County Superior Court an Obligation to Hear Non-Emergency Dependency**
15 **Motions**

16 The Supreme Court ordered all Washington lower courts to continue all non-emergency
17 civil matters until after April 24, 2020 and subsequently extended the continuation through May
18 4, 2020. *Urs Decl.* at 18 (*In the Matter of Statewide Response by Washington State Courts to the*
19 *COVID-19 Public Health Emergency* ¶ 2). The emergency orders continuing non-emergency civil
20 matters do not apply to “motions, actions on agreed orders, conferences or other proceedings that
21 can appropriately be conducted by telephone, video or other means that does not require in-person
22 attendance.” *Id.* In issuing its directive, the Supreme Court ordered the lower courts to move
23 forward with all non-emergency matters that could be heard safely and in accordance with social
24 distancing guidelines. *Id.* The Supreme Court did note that courts are not required to hear non-
25 emergency civil matters, *Urs Decl.* at 5 (March 20 Supreme Court Order), and it also noted that
dependency matters have special considerations that may not be addressed by its order. *Urs Decl.*

1 at 18. The Supreme Court’s order specific to dependency cases, similarly, did not bar the
2 consideration of non-emergency motions. *See* Urs Decl. at 15. This is not surprising as
3 Washington State’s Constitution requires that “[j]ustice in all cases shall be administered openly,
4 and without unnecessary delay.” Wash. Const. art. 1, Section 10.

5 Emergency Order Number 16’s bar on all non-emergent motions in dependency court runs
6 counter to the Supreme Court’s directive to move forward with non-emergency motions and
7 agreed orders. *See* Urs Decl. at 5 (*In the Matter of Statewide Response by Washington State Courts*
8 *to the COVID-19 Public Health Emergency* ¶ 2). Nor is the bar on all non-emergency dependency
9 motions a valid exercise of the authority granted to the courts by the Supreme Court to “adopt
10 measures to protect health and safety that are more restrictive than this order[.]” *Id.* ¶ 15. Further,
11 holding telephonic/video hearings and/or handling non-emergent dependency matters is
12 consistent with the King County Superior Court’s Emergency Order 15 directive regarding other
13 non-emergent civil matters and would not compromise the health and safety of the court,
14 attorneys, or families seeking judicial protections of their rights.⁴ *See* Urs Decl. at 8, 14.

15 The court’s bar on all non-emergent motions in dependency court also violates provisions
16 of the dependency statutory scheme that have not been suspended by any judicial action or
17 executive proclamation. Court orders in dependency cases, “may be changed, modified, or set
18 aside, only upon a showing of a change in circumstance.” RCW 13.34.150. *See also Dep’t of Soc.*
19 *& Health Servs. v. Paulos*, 166 Wn. App. 504, 519–20, 270 P.3d 607, 615 (2012) (holding that
20 “any change in the placement of a child must be supported by proof of a change in
21 circumstances”). The bar on non-emergent motions violates the dependency statutory scheme by
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23 ⁴ Inasmuch as the court may consider the ban on non-emergency motions in dependency court similar to its ban on
24 such motions in family court, the reasons articulated for barring non-emergent matters in family court—high volume
25 of pro-se litigants who don’t have access to respond to motions and the need for them to adhere to Governor Inslee’s
proclamation—is not an issue in dependency court, where parents have a right to appointed counsel. *See* RCW
13.34.190. As such, hearing non-emergency motions in dependency matters does not trigger any special public
health considerations.

1 allowing parties to functionally set aside court orders currently place, and to do so without any
2 process—including motions practice or hearings. For example, the dependency statute has always
3 required individualized judicial review over the denial of visits. RCW 13.34.136(2)(b)(iii)(B)
4 (granting children and parents the ability to challenge the denial of visits in court). Now, families
5 who were having in-person visitation are having their court ordered contact with their children
6 changed or suspended without new court orders, and without any individualized process. *See* Urs
7 Decl. at 26, 28, and 29. In one case, a DPD attorney brought a motion on behalf of a mother to
8 restart in-person visitation after visits with her baby had been moved to video. The motion was
9 denied when the court found the “mother has not presented an issue that stands out as truly
10 emergent in light of the baseline circumstances facing all families of dependent children in the
11 current state of emergency arising from the COVID-19 virus.”⁵

12 Further, in order to protect children and parents involved in dependency proceedings, the
13 statutory scheme requires decisions in dependency cases to be based on individualized
14 determinations. Because the purpose of every dependency case is to change the conditions that
15 led to the need for dependency, each case requires, and the statutory scheme provides for, a regular
16 reassessment of the child’s and family’s needs, strengths, and ability to be together safely. *See*
17 RCW 13.34.138 (setting mandatory timeframes for review hearings); RCW 13.34.145 (setting
18 parameters for permanency planning hearings); RCW 13.34.150 (requiring court orders in
19 dependency cases, “be changed, modified, or set aside, only upon a showing of a change in
20 circumstance”); RCW 13.34.090 (recognizing that at *all* dependency proceedings, any party has
21 the right “to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to
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24 ⁵ That motion was supported by the declaration of JoAnne Solchany, an Infant Mental Health Specialist, a Child and
25 Adolescent Psychiatric Nurse Practitioner and a PhD in Parent-Child Relationships from the University of
Washington School of Nursing who explained that young children need “to see their parent, they need to smell their
parent, they need to feel their parent, they need to be comforted, and they need physical proximity.” Urs. Decl. at 29.

1 receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact
2 finder”).

3 Due to Emergency Order Number 16’s bar on non-emergency motions in dependency
4 matters, the protections and process embodied in these statutory provisions are currently on
5 hold—unless the court deems particular circumstances warrant emergency status—until either
6 this court allows for non-emergency motions to be heard in dependency matters or until the end
7 of the public health emergency. This runs afoul of longstanding protections. *See Waples v Yi*, 169
8 Wn.2d 152, 161, 234 P.3d 187 (2010) (affirming that where a statute and a court rule conflict the
9 statute will govern on substantive matters including where that statute “creates, defines, and
10 regulates primary rights”).

11 The length of the disruption to our traditional way of life is unknown. Returning to normal
12 will take quite some time. Under Emergency Order Number 16, children and families involved
13 in dependency proceedings in King County cannot have their constitutionally and statutorily
14 protected rights vindicated nor seek to alter the status of their dependency proceedings until some
15 uncertain date in the future when the court determines that the public health emergency is no
16 longer a concern. This is untenable—especially considering the public health emergency began
17 over a month ago and may not end for months to come.⁶

18 **C. Refusing to Allow Non-Emergent Dependency Motions to Be Heard Results in the**
19 **Denial of the Fundamental Rights of Family Integrity and Personal Liberty**

20 The parties to dependency matters have substantial protectable interests that are at risk in
21 these proceedings. Children in foster care, and families in dependency proceedings generally, have
22 liberty interests that demand procedural due process protections. *See H.B.H. v. State*, 192 Wn.2d

24 ⁶ The Revised and Extended Order Re: Court Operations No. 25700-B-615 continued all non-emergent civil matters
25 until May 4th. *See Urs Decl.* at 18. May 4th is the date that Governor Inslee’s most recent revised directive to stay
home is meant to expire. *See Urs Decl.* at 13. Given the current trajectory of the pandemic, it is likely that the stay at
home orders will be extended again.

1 154, 174, 429 P.3d 484 (2018); *Braam v. State of Washington*, 150 Wn.2d 689, 81 P.3d 851 (2003).
2 And families involved in dependency proceedings have a protectable interest in family integrity
3 that also demands procedural due process protections. Parents’ interest in the care, custody, and
4 control of their children “is perhaps the oldest of the fundamental liberty interests recognized.”
5 *Troxel v. Granville*, 530 U.S. 57, 65, 120 S. Ct. 2054, 2060, 147 L. Ed. 2d 49 (2000) (citing *Meyer*
6 *v. Nebraska*, 262 U.S. 390, 399, 401, 43 S. Ct. 625, 67 L. Ed. 1042 (1923)). “The fundamental
7 liberty interest of natural parents in the care, custody, and management of their child does not
8 evaporate simply because they have not been model parents.” *Santosky v. Kramer*, 455 U.S. 745,
9 753, 102 S. Ct. 1388, 1394–95, 71 L. Ed. 2d 599 (1982); *see also In re Custody of Smith*, 137
10 Wn.2d 1, 15, 969 P.2d 21, 28 (1998), *aff’d sub nom. Troxel*, 530 U.S. 57 (2000) (“The family entity
11 is the core element upon which modern civilization is founded. Traditionally, the integrity of the
12 family unit has been zealously guarded by the courts.”)

14 The constitutional rights—including liberty and family integrity interests—of parties
15 involved in dependency proceedings are undermined and effectively eviscerated if those rights
16 cannot be vindicated or enforced in court. This cannot be allowed because “[t]he ‘right to be heard
17 before being condemned to suffer grievous loss of any kind, even though it may not involve the
18 stigma and hardships of a criminal conviction, is a principle basic to our society.’” *Mathews v.*
19 *Eldridge*, 424 U.S. 319, 333, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976) (quoting *Joint Anti-Fascist*
20 *Comm. v. McGrath*, 341 U.S. 123, 168, 71 S. Ct. 624, 95 L.Ed. 817 (1951)).

21 “The fundamental requirement of due process is the opportunity to be heard ‘at a
22 meaningful time and in a meaningful manner.’” *Id.* (quoting *Armstrong v. Manzo*, 380 U.S. 545,
23 552, 85 S. Ct. 1187, 14 L. Ed. 2d 62 (1965)). To determine whether a process meets procedural
24 due process protections courts must “compare the status quo to the procedures sought and identify
25 (1) the private interest that will be affected by the official action; (2) the risk of an erroneous

1 deprivation of such interests through the procedures used, and the probable value, if any, of
2 additional or substitute procedural safeguards; and (3) the government’s interest, including the
3 function involved and the fiscal and administrative burdens that the additional or substitute
4 procedural requirement would entail.” *Matter of Dependency of E.H.*, 191 Wn.2d 872, 891-92,
5 427 P.3d 587, 595 (2018). Here, all three of the considerations tip strongly in favor of allowing
6 non-emergency dependency motions to proceed using protocols that adhere to social distancing
7 guidelines but allow for resolution of substantive concerns.

8 *First*, the private interests at risk here are core fundamental rights regarding liberty and
9 family integrity—including the right to: request the end of dependency proceedings, challenge
10 potentially unsafe out-of-state placement for vulnerable young people, and request that a family
11 be reunified. *See* Urs Decl. at 19-31. Clearly, the private interests of young people and family
12 members in dependency matters are strong.

13 *Second*, the risk of erroneous deprivation is high even in non-emergent dependency
14 motions. Without the ability to challenge DCYF actions or to request reinstatement of particular
15 rights, young people and families will be denied the ability to obtain timely resolution of their
16 concerns. This delay may ultimately result in increased time that families are separated, placement
17 in unsafe situations, and unnecessary infringement on family relationships in a time the middle
18 of a health emergency.

19 *Third*, the government’s interest in barring non-emergent dependency matters is
20 particularly low here. The court has an interest in providing access to justice in a manner that does
21 not unnecessarily expose litigants and court staff to COVID-19. The court has chosen to do so in
22 the civil and criminal context—consistent with the Supreme Court’s order—by allowing non-
23 emergent motions to proceed telephonically or by video. The court has not articulated a principled
24 reason why non-emergent dependency motions cannot be heard in the same manner the court is
25

1 handling other non-emergent motions.⁷ This is especially concerning here because the interests
2 implicated in dependency proceedings are significant fundamental rights unlike many of the
3 contractual matters that flood the court’s civil docket.

4 Because the interests infringed upon in dependency proceedings are fundamental
5 protectable interests, procedural due process demands that the court allow non-emergent
6 dependency motions proceed in a manner that is safe, adheres to social distancing requirements,
7 and is consistent with how the court approaches other non-emergent matters.

8 **D. The Court Should Reinstate Clear Procedures for Taking ICWA Voluntary**
9 **Placement Agreements**

10 The Indian Child Welfare Act (ICWA) requires judicial oversight when parents of Indian
11 children are asked to voluntarily place their children into foster care. RCW 13.38.150(1) (“If an
12 Indian child's parent or Indian custodian voluntarily consents to a foster care placement of the
13 child or to termination of parental rights, the consent is not valid unless executed in writing and
14 recorded before a judge of a court of competent jurisdiction and accompanied by the judge's
15 certificate that the terms and consequences of the consent were fully explained in detail and were
16 fully understood by the parent or Indian custodian.”); 25 C.F.R. 23.125-.126. These proceedings
17 are not clearly “Emergency Motions” or “72 Hour Shelter Care Hearings” under Emergency
18 Order Number 16. These proceedings also would not properly be “non-emergency motions” and
19 so this issue will not be remedied even if this court were to grant the motion for reconsideration
20 regarding non-emergency motions. Therefore, this court should clarify that the ICWA voluntary
21 placement agreements shall continue to be heard on an emergent basis, in the manner of 72-hour
22

23
24 ⁷ To the extent that the limitation on non-emergency motions stems from a concern is that judges and court staff
25 would have to travel to court to hear non-emergency motions, even if other parties were remote, according to the
King County Superior Court Clerk’s Office it is possible for the court to handle an entire proceeding remotely, with
both the judges and clerks participating remotely, except that that there is no process for taking exhibits remotely.
Dependency motions would not require the court to take exhibits. *See* Urs Decl. at 14.

1 shelter care hearings—consistent with the practices of this court before the COVID-19 health
2 emergency.

3 **IV. CONCLUSION**

4 For the foregoing reasons, Anita Khandelwal, Director of DPD, requests that the court
5 reconsider its bar on non-emergent dependency motions, allow dependency courts to consider all
6 agreed orders, and reaffirm its process of handling ICWA voluntary placement agreements,
7 including implementing safe and healthy procedures for hearing such matters through telephonic
8 hearings.

9 DATED this 20th day of April, 2020.

10 s/Anita Khandelwal
11 Anita Khandelwal, WSBA No. 41385
12 Gordon Hill, WSBA No. 36663
13 La Rond Baker, WSBA No. 43610
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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
COUNTY OF KING

IN THE MATTER OF THE RESPONSE BY KING COUNTY SUPERIOR COURT TO THE PUBLIC HEALTH EMERGENCY IN WASHINGTON STATE	No. 20-0-12050-5 SEA DECLARATION OF TARA URS, IN SUPPORT OF MOTION FOR RECONSIDERATION OF EMERGENCY ORDER NUMBER 16
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I, Tara Urs, hereby declare as follows:

1. I am the Special Counsel for Civil Policy and Practice, Training, and Employee Development with the King County Department of Public Defense (DPD) and am competent to testify to the matters in this declaration.
2. In my role as Special Counsel I help direct the department’s civil practice, including our family defense practice, working on policy reform and supporting the four DPD divisions.
3. In 2019, DPD attorneys represented approximately 800 adults and over 300 children in dependency and termination cases. DPD family defense attorneys carry approximately 60 cases at a time, advocating for parents in children in court and during out of court case planning meetings.
4. Attached as Exhibit A is a true and correct copy of the Washington State Supreme Court Order, NO. 25700-B-602, filed on March 4, IN THE MATTER OF THE RESPONSE

1 BY WASHINGTON STATE COURTS TO THE PUBLIC HEALTH EMERGENCY IN
2 WASHINGTON STATE.

- 3 5. Attached as Exhibit B is a true and correct copy of the Washington State Supreme Court
4 Amended Order No. 25700-B-607, filed on March 20, 2020, IN THE MATTER OF
5 STATEWIDE RESPONSE BY WASHINGTON STATE COURTS TO THE COVID-19
6 PUBLIC HEALTH EMERGENCY. This order amended a similar order that was filed on
7 March 18, 2020.
- 8 6. Attached as Exhibit C is a true and correct copy of King County Superior Court
9 Emergency Order Number 13, filed on March 24, 2020.
- 10 7. Attached as Exhibit D is a true and correct copy of the Governor Jay Inslee's
11 PROCLAMATION 20-33, amending Proclamation 20-05, Department of Children,
12 Youth, and Families - Child Visitation and Remedial Services, signed on March 26,
13 2020.
- 14 8. Attached as Exhibit E is a true and correct copy of King County Superior Court
15 Emergency Order 15 Re: Civil and Family Law Matters, 20-0-12050-5, filed on March
16 27, 2020.
- 17 9. Attached as Exhibit F is a true and correct copy of meeting minutes that were provided by
18 the Court that related to a dependency operations meeting (called Dependency & COVID
19 19) on March 27, 2020. According to the minutes, provided by the Lead Dependency
20 Judge Elizabeth Berns, "The court interprets that the proclamation, in accordance with
21 the Stay Home Stay Healthy order does suspend in person visits. The court will not
22 entertain any motions which deviate from the proclamation as it impacts the safety of the
23 greater community."
- 24 10. Attached as Exhibit G is a true and correct copy of a letter I sent to Lead Dependency
25 Judge Elizabeth Berns on March 27, 2020, in which: I thanked the court for holding

1 stakeholder meetings, indicated I would do my best to communicate the court’s views back
2 to those at DPD, and clarified that “I cannot, nor would I want to, prevent attorneys from
3 filing motions to advance their clients’ interests.”

4 11. Attached as Exhibit H is a true and correct copy of a letter from Jerry Milner, Associate
5 Commissioner of the Children’s Bureau, to Child Welfare Legal and Judicial Leaders,
6 sent on March 27, 2020. In that letter, the federal Children’s Bureau urged that all
7 attorneys, courts, court improvement projects, and administrative offices of the courts:

- 8 • “Refrain from making sweeping, blanket orders ceasing, suspending, or postponing
9 court hearings;
- 10 • Ensure that important decisions about when and how hearings are conducted are
11 made on a case-by-case basis in accordance with the facts of each individual matter;
- 12 • Encourage attorneys to file written motions raising issues of immediate concern”

13 12. Attached as Exhibit I is a true and correct copy of King County Superior Court
14 Emergency Order Number 16, “Re: Dependency Matters,” No: 20-0-12050-5, filed on
15 March 30, 2020.

16 13. Attached as Exhibit J is a true and correct copy of Proclamations by the Governor: 20-05,
17 State of Emergency signed on February 29, 2020; 20-25, *Stay Home-Stay Healthy*,
18 Amending 20-25 signed on March 23, 2020; and 20-25.1, Amending 20-05 and 20-25,
19 Extending *Stay Home – Stay Healthy* to May 4, signed on April 2, 2020.

20 14. Attached as Exhibit K is a true and correct copy of meeting minutes from a Dependency
21 Operations (Dependency & COVID 19) meeting held on April 3, 2020. In addition to the
22 discussion reflected in the minutes, Beth Freeman, representing the clerk’s office, also
23 mentioned that it was possible for clerks to appear remotely and make a record of
24 hearings, such that the judge, and the clerk, could participate fully remotely. However, as
25

1 is reflected in the minutes, clerks do not yet have a process for receiving exhibits
2 remotely. Dependency motions do not require the court to take exhibits during a hearing.

3 15. Attached as Exhibit L is a true and correct copy of the Washington State Supreme Court
4 Amended Order No. 25700-B-614, filed on April 3, 2020, IN THE MATTER OF
5 STATEWIDE RESPONSE BY WASHINGTON STATE COURTS TO THE COVID-19
6 PUBLIC HEALTH EMERGENCY, ORDER RE: DEPENDENCY AND
7 TERMINATION CASES.

8 16. Attached as Exhibit M is a true and correct copy of Proclamation by the Governor
9 Extending Proclamations 20-08 and 20-09 regarding statewide school closures, signed on
10 April 6.

11 17. Attached as Exhibit N is a true and correct email from Judge Berns on April 9, 2020, in
12 which Judge Berns described the use of dependency operations meeting minutes by
13 attorneys in motions on behalf of their clients as a “breach of trust.” She writes, “It is not
14 appropriate for participants to use the meeting and the minutes to garner support for legal
15 strategies and to support those strategies with these discussions.” Judge Berns cancelled
16 all subsequent Dependency & COVID 19 meetings, including the meeting scheduled for
17 April 10, 2020.

18 18. Attached as Exhibit O is a true and correct copy of the Washington State Supreme Court
19 Revised and Extended Order Regarding Court Operations, No. 25700-B-615, filed on
20 April 13, 2020, IN THE MATTER OF STATEWIDE RESPONSE BY WASHINGTON
21 STATE COURTS TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

22 19. DPD attorneys in dependency cases usually begin client representation at the 72-hour
23 shelter care hearing after the state petitions the court to remove a child from their parent’s
24 custody. The attorney continues to represent that client through a dependency trial, if the
25 client wishes to have a trial, or through the process of agreeing to dependency. If an order

1 of dependency is entered, the court will enter a dispositional order that orders the parents
2 to participate services designed to address the parental deficiencies that led to the finding
3 of dependency. At disposition, the court also decides where the child will be placed; the
4 child can be placed in the care of a parent or in out of home care in foster care, with a
5 relative, or with another “suitable adult” who has a relationship with the child. If the child
6 is placed out of a parent’s home the court will also enter an order for the state to provide
7 the parent with visitation. Recently, the federal Administration on Children and Families
8 (ACF) has stressed the critical importance of visitation (also known as family time) for
9 the wellbeing of children, issuing an information memorandum to emphasizes the
10 importance of family time and visitation in reducing the trauma of removal and
11 placement of children in out-of-home care, maintaining the integrity of the parent-child
12 relationship, healthy sibling relationships and overall child and family well-being.

13 ACYF-CB-IM-20-02, February 5, 2020.¹

14 20. Dependency cases are unique because even when a dispositional order is entered, the
15 attorney will continue representing the client while the client attempts to complete their
16 court ordered services and works on reunifying with their child and/or seeks to have the
17 dependency dismissed. During that time, the parent’s attorney works with the parent to
18 ensure access to services, access to visitation, to track progress towards the resolution of
19 the case, and to advocate for increased family time, among other things. Attorneys also
20 advocate for placements, often relative placements. Research shows that relative
21 placements typically last longer and are safer than non-relative placements. E.g. Mark
22 Testa, *The Quality of Permanence - Lasting or Binding - Subsidized Guardianship and*
23 *Kinship Foster Care as Alternatives to Adoption*, 12 Va. J. Soc. Pol’y & L. 499 (2005);
24 Marc Winokur, et al., “Kinship care for the safety, permanency, and well-being of

25

¹ Available at: <https://www.acf.hhs.gov/sites/default/files/cb/im2002.pdf>. (Last accessed: 4/18/2020).

1 children removed from the home for maltreatment.” *Cochrane Database of Systematic*
2 *Reviews* 1 (2014).

- 3 21. Pursuant to the federal Adoption and Safe Families Act, in order to qualify for certain
4 federal funds, if a child has been placed in foster care for 15 of the previous 22 months,
5 the state child welfare agency is required to file a petition to terminate parental rights,
6 unless the case falls into a statutory exception or the state finds a compelling reason
7 exists not to move toward termination. 42 U.S.C. § 675(5)(E) (2000). Likewise, courts
8 must consider whether there is “good cause” not to pursue termination. RCW
9 13.34.145(5). Leaders of the federal Children’s Bureau have recognized that the fifteen-
10 month timeline is the result of Congressional negotiation and does not reflect what we
11 know about the importance of parent-child relationships, recovery, and trauma. Jerry
12 Milner and David Kelly, “Family is a Compelling Reason,” *The Chronical of Social*
13 *Change*, April 6, 2020.² Yet, in Washington, fifteen months into a case, DCYF and court
14 appointed special advocates regularly encourage courts to start “moving towards
15 permanency.”
- 16 22. Regardless of whether the court finds good cause not to pursue termination, if DCYF
17 believes a parent is taking too long to remedy their deficiencies, the state will petition to
18 permanently terminate parental rights. In Washington, the state may pursue termination,
19 even if the child is not in a stable placement or a pre-adoptive home.
- 20 23. Attorneys for parents and children can, at their client’s direction, explore alternate
21 permanent plans that may include: placement with one parent under the terms of a family
22 law parenting plan, placement with a relative or suitable adult under a dependency
23 guardianship or non-parental custody agreement, or an agreed termination of parental
24

25 ² Available at: <https://chronicleofsocialchange.org/child-welfare-2/family-is-a-compelling-reason/42119> (last
accessed, April 18, 2020).

1 rights with an open adoption agreement. In some cases, the state elects not to pursue
2 termination. In some cases, the youth will age out of foster care, sometimes into extended
3 foster care.

4 24. The work on a dependency case is ongoing. It requires coordinating changes in services,
5 visitation, and placement (among other things) with multiple parties to the case including
6 the state, the parent/s, the attorney for the child, and the court appointed special advocate.
7 All the while, the concern about time is ever-present. Although most dependent children
8 are ultimately returned home to a parent,³ the longer the children spend in out of home
9 care, the longer they go without seeing their parents, the more difficult it becomes to
10 reunify the family and more likely the state will move to permanently terminate parental
11 rights. And the stakes are quite high, research shows that children who are allowed to
12 remain at home, fare better than similarly situated children who are removed from their
13 parents. *E.g.* Joseph Doyle, “Causal effects of foster care: An instrumental-variables
14 approach.” *Children and Youth Services Review*, 35.7:1143-1151 (2013); Kristin Turney
15 and Christopher Wildeman, “Mental and physical health of children in foster care.”
16 *Pediatrics*, 138.5 (2016).

17 25. The court’s bar on hearing non-emergency dependency related motions result in families
18 in dependency cases being unable to resolve a number of critical issues DPD attorneys
19 would bring before the court if non-emergency motions were permitted by the court.

20 Pursuant to LJuCR 3.13, “The Court may impose sanctions against a person or party
21 who wrongly designates a matter to be an emergency hearing.”

22 26. Some examples of the kinds of motions that DPD attorneys have not brought since the
23 emergency procedures went into place include:
24

25

³ <https://cwoutcomes.acf.hhs.gov/cwodatasite/>

- 1 a. Families are unable to challenge the revocation of in person visitation where
2 visitation previously occurred on a regular basis and can occur now consistent
3 with social distancing and other practices deemed safe during the public health
4 emergency. For example, DPD clients wish to ask the court to allow in-person
5 visitation with teenage children, with infant children for whom in-person parent-
6 child contact is particularly important, and with children who exhibit separation
7 trauma after recently being moved to a new foster placement.
- 8 b. Even agreed upon visitation cannot occur because the court is not hearing non-
9 emergency matters. DPD has a client who wishes to have in-person visitation and
10 the current caregiver agrees to allow the proposed visits take place in their home
11 because both the parents and caregivers have been practicing social distancing.
12 Despite that agreement, DPD's client is still unable to see their child because
13 DCYF suspended all in-person visits and the court will only order such visits to
14 occur if they present an emergency.
- 15 c. DPD clients are also being barred from petitioning the court to return their
16 children to them. For example, in one case all the parties signed in an agreed
17 order at the end of March setting out a plan for overnight visits and transition
18 home to begin in one month. DPD's client has complied with all aspects of the
19 order but has only been able to have video and phone visits with a four year old
20 (who is struggling with the separation) and two year old (who cannot really do
21 video visits all that well). The reunification seems to be tabled until the end of the
22 public health emergency. DPD's client is unable to request the court order the
23 reunification of their family through the immediate return of their children
24 because the court will not hear non-emergency matters. In some situations, a
25

1 motion is necessary even when the state and the CASA agree to return a child to a
2 parent because the other parent opposes the return home.

3 d. DPD attorneys cannot petition the court to appoint counsel for children, pursuant
4 to the Washington State Supreme Court's decision in *In re the Dependency of*
5 *E.H.* For example, a DPD attorney has not brought a motion to appoint counsel
6 for an eleven year old child, who will be entitled to counsel when he turns 12,
7 where the state agrees to the appointment of counsel, and the child may be sent to
8 an out of state placement, when the CASA has not responded to the request.

9 e. DPD attorneys cannot move to continue trials or enter agreed orders continuing
10 dependency and termination trials. In one case, a DPD attorney has reached an
11 agreement with all other parties that the trial in a termination of parental rights
12 matter should be continued several months. The preliminary hearing date was
13 originally set during the period of the *Stay Home – Stay Healthy* emergency order,
14 and therefore automatically continued until a date after April 27th. The existing
15 trial date is in May, only a few short weeks after the expiration of the *Stay Home*
16 *– Stay Healthy* emergency order. The parties wished to formally enter their
17 agreement in March, allowing all parties (especially the parents facing possible
18 permanent deprivation of their parental rights) to know how the case will proceed
19 and how to prepare for trial. Until a continuance is entered and approved by the
20 Court, parties have to prepare as if the case will proceed to trial as scheduled. The
21 parties have not submitted an agreed continuance order because such an order is
22 prohibited by the King County Superior Court Emergency Order 16 and a motion
23 to continue would likely not be considered an emergency.

24 f. DPD attorneys cannot petition the court to dismiss dependency matters which
25 would allow families the opportunity to end the state's oversight because

1 attorneys cannot file motions to allow family law jurisdiction to enter a parenting
2 plan that would allow the case to be dismissed with the child in the custody of one
3 of the parents.

4 g. DPD attorneys are unable to bring motions to compel DCYF to provide
5 discovery. Discovery in dependency cases is produced electronically. Without
6 discovery attorneys are unable to effectively use this time to prepare for future
7 trials and hearings.

8 h. DPD's clients are unable to obtain new counsel in situations where it is warranted
9 and necessary because attorneys cannot bring motions to have a new attorney
10 appointed.

11 i. DPD attorneys would also bring motions to change the level of visitation
12 supervision, for example to allow for unsupervised visits or to allow overnight
13 visits.

14 j. There are other motions, for example, regarding the provision of services that will
15 be more important once many services reopen.

16 27. DPD attorneys have tried to bring motions under King County Superior Court Emergency
17 Order Number 16 and some motions have been rejected as not meeting the criteria of an
18 emergency.

19 28. On April 2, 2020, before the Supreme Court's dependency order was entered (on April
20 3), a DPD attorney filed a motion to return a child to a parent. The court denied the
21 mother's request to have the matter heard as an emergency, but nevertheless reached the
22 legal conclusion that the Governor's proclamation amounted to a "valid temporary
23 suspension of in-person visits." Attached as Exhibit P is the order denying the motion.

24 29. On April 8, 2020, a motion brought by a DPD attorney regarding in-person visitation
25 with a four month old baby was denied; the order states the motion "should not be heard

1 on an emergency basis because the mother has not presented an issue that stands out as
2 truly emergent in light of the baseline circumstances facing all families of dependent
3 children in the current state of emergency arising from the COVID-19 virus.” That
4 motion for in-person visitation was supported by the declaration of JoAnne Solchany, an
5 Infant Mental Health Specialist, a Child and Adolescent Psychiatric Nurse Practitioner
6 and a PhD in Parent-Child Relationships from the University of Washington School of
7 Nursing. Dr. Solchany writes, “[j]ust as there are ‘essential’ services that need to remain
8 open and ‘essential’ persons who need to continue working and providing services, in
9 person visits/family time should be considered ‘essential.’” Dr. Solchany explains that
10 young children need “to see their parent, they need to smell their parent, they need to feel
11 their parent, they need to be comforted, and they need physical proximity.” Attached as
12 Exhibit Q is the order denying the motion and Dr. Solchany’s declaration in support.

13 30. A DPD attorney filed a motion seeking to have her client’s eleven month old child
14 returned home where the motion asserted that: the mother had secured safe and stable
15 housing and resolved the parental deficiencies that caused the removal; the social worker
16 had completed a walk-through of the mother’s home and found it safe; the mother and
17 child are both healthy; DCYF had suspended all in-person visitation between the mother
18 and child; and “child consistently cries when they try to attempt video visits.” The motion
19 was supported by Nicole Miller, an Independent Child Welfare Consultant, who after
20 documenting the reasons why she believes the mother is a safe parent, writes that
21 returning the child to the mother now “is imperative, not only for the positive impacts on
22 [the child’s] brain development, but also for the ongoing bond and attachment between
23 mother and child.” The motion was denied on April 9, 2020, because the court found that
24 there are no facts suggesting that during this brief time during the stay at home order that
25

1 the child's brain development is in imminent risk of being harmed. Attached as Exhibit R
2 is a true and correct copy of the order denying the motion.

3 31. A DPD attorney filed a motion on behalf of a youth client who wished to object to a
4 recent change of placement from her suitable adult placement to foster care; the youth
5 wished to return to her suitable adult placement. On Friday, March 27th, while the *Stay*
6 *Home Stay—Healthy Order* was in effect, DCYF abruptly moved the youth from her
7 suitable adult placement to a licensed foster care placement. On April 2nd, the youth filed
8 an emergency motion seeking to return to her former suitable adult placement, arguing
9 that the placement change was harmful to her mental health and her sense of safety. The
10 youth also asserted that the foster home did not meet the youth's cultural and language
11 needs. According to the youth, the suitable adult placement who the youth knew well
12 and had lived with before, could meet those needs. The motion was denied on April 7,
13 2020, without prejudice, because the court did not find the existence of an emergency.
14 Attached as Exhibit S is the order denying the motion.

15
16 I declare under penalty of perjury under the laws of the State of Washington that the foregoing is
17 true and correct.

18 DATED this 20th day of April, 2020.

19 s/Tara Urs
20 Tara Urs, WSBA No. 48335
21 King County Department of Public Defense
22 710 Second Avenue, Suite 200
23 Seattle, WA 98104
24 Phone: (206) 477-8789
25 Fax: (206) 296-0587
Email: tara.urs@kingcounty.gov

EXHIBIT A



THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE RESPONSE BY)
WASHINGTON STATE COURTS TO THE) ORDER
PUBLIC HEALTH EMERGENCY IN)
WASHINGTON STATE) NO. 25700- B-602

WHEREAS, On February 29, 2020, Governor Jay Inslee declared a state of emergency in all counties in the state of Washington due to the public health emergency caused by the coronavirus disease 2019 (“COVID-19”); and

WHEREAS, during this state of emergency, it may become necessary for courts 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 effectively administer their courts in response to this state of emergency, including authority to adopt, modify, and suspend court rules and orders as warranted to address the emergency conditions.

NOW, THEREFORE, pursuant to the Court’s authority to administer justice and to ensure the safety of court personnel, litigants, and the public,

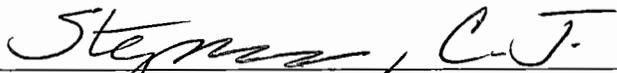
IT IS HEREBY ORDERED THAT:

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

4. Each court shall, as soon as practicable, publish in full all rules or orders adopted or modified to address this public health emergency on its local website.

DATED at Olympia, Washington, this 4th day of March, 2020.

For the Court



CHIEF JUSTICE DEBRA L. STEPHENS

EXHIBIT B

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF STATEWIDE RESPONSE) AMENDED ORDER
BY WASHINGTON STATE COURTS TO THE)
COVID-19 PUBLIC HEALTH EMERGENCY)
)
)
)
)
)
_____)

WHEREAS, on February 29, 2020, Governor Inslee proclaimed a state of emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington; and on March 13, 2020, President Trump declared a national emergency due to the novel coronavirus disease (COVID-19) outbreak across the United States; and

WHEREAS, during this state of emergency, the Centers for Disease Control and Prevention and the Washington State Department of Health have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public spaces; and

WHEREAS, consistent with these recommendations, Governor Inslee has barred gatherings of more than fifty people and ordered all schools, businesses, faith-based organizations, and other public venues to close during the ongoing public health emergency, and the CDC has recommended restricting gatherings to no more than 10 people; and

WHEREAS, many court facilities in Washington are ill-equipped to effectively comply with social distancing and other public health requirements and therefore

continued in-person court appearances jeopardize the health and safety of litigants, attorneys, judges, court staff, and members of the public; and

WHEREAS, pursuant to this Court's March 4, 2020 order, many Washington courts have already taken important steps to protect public health while ensuring continued access to justice and essential court services; however, the crisis is increasing daily and it may become necessary for courts to close, suspend in-building operations or otherwise significantly modify their operations, and

WHEREAS, the increasingly aggressive spread of COVID-19 across Washington requires a uniform, coordinated response from Washington courts to prevent further outbreak and to maintain consistent and equitable access to justice; and

WHEREAS, this Court's consultation with trial court judges, justice partners and coordinate branches of government confirms the need for further direction from this Court; and

WHEREAS, the presiding judges across Washington need direction and authority to effectively administer their courts in response to this state of emergency, including authority to adopt, modify, and suspend court rules and orders as warranted to address the emergency conditions.

NOW, THEREFORE, pursuant to the Court's authority to administer justice and to ensure the safety of court personnel, litigants, and the public,

IT IS HEREBY ORDERED:

1. All civil jury trials shall be suspended until after April 24, 2020. Trials already in session where a jury has been sworn and social distancing and other public

health measures are strictly observed may proceed or, at the discretion of the trial court or agreement of the parties, be continued to a later date.

2. All non-emergency civil matters shall be continued until after April 24, 2020, except those 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.
3. All emergency matters, including civil protection and restraining order matters, that must be heard before April 24, 2020, must be heard by telephone, video, or other means that does not require in-person attendance, unless impossible. Where court matters must be heard in person, social distancing and other public health measures must be strictly observed. Telephonic, video or other hearings required to be public must be recorded, with the recording preserved for the record.
4. All criminal jury trials are suspended until after April 24, 2020. Trials already in session where a jury has been sworn and social distancing and other public health measures are strictly observed may proceed or be continued if the defendant agrees to a continuance. For all criminal trials suspended under this provision, April 25, 2020 will be the new commencement date under CrR 3.3.
5. All **out of custody** criminal matters already pending shall be continued until after April 24, 2020 except those 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.

Arrestment on **out of custody** cases filed between today's date and April 24, 2020 or the first appearance in court after that date shall 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 arrestment dates. The new arrestment 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 therapeutic court proceedings that can appropriately be conducted by telephone, video or other means that does not require in-person attendance.

6. Courts may enter ex parte no contact orders pursuant to RCW 10.99.040, RCW 10.99.045, RCW 10.14.040, RCW 7.90.150, RCW 9A.46.085, and/or RCW 9A.46.040, when an information, citation, or complaint is filed with the court and the court finds that probable cause is present for a sex offense, domestic violence offense, stalking offense, or harassment offense. Ex parte orders may be served upon the defendant by mail. This provision does not relieve the prosecution of proving a knowing violation of such an ex parte order in any prosecution for violating the order. Good cause exists for courts to extend ex parte orders beyond the initial period until a hearing can be held.
7. All **in custody** criminal matters shall be continued until after April 24, 2020, with the following exceptions:
 - a. Scheduling and hearing of first appearances, arrestments, plea hearings, criminal motions, and sentencing hearings.

- b. Courts retain discretion in the scheduling of these matters, except that the following matters shall take priority:
 - i. Pretrial release and bail modification motions.
 - ii. Plea hearings and sentencing hearings that result in the anticipated release of the defendant from pretrial detention within 30 days of the hearing.
 - iii. Parties are not required to file motions to shorten time in scheduling any of these matters.
8. Juvenile court jurisdiction in all pending offender proceedings and in all cases in which an information is filed with the juvenile court prior to April 24, 2020, in which the offender will reach the age of 18 within 120 days of April 24, 2020, shall be extended to the offender's next scheduled juvenile court hearing after April 24, 2020.
9. A continuance of these criminal hearings and trials is required in the administration of justice. Based upon the court's finding that the serious danger posed by COVID-19 is good cause to continue criminal jury trials, and constitutes an unavoidable circumstance under CrR 3.3(e)(8), CrRLJ 3.3(e)(8), and JuCR 7.8(e)(7), the time between the date of this order and the date of the next scheduled trial date are EXCLUDED when calculating time for trial. CrR 3.3(e)(3), CrRLJ 3.3(e)(3), JuCr 7.8(e)(3).
10. The Court finds that obtaining signatures from defendants for orders continuing existing matters places significant burdens on attorneys,

particularly public defenders, and all attorneys who must enter correctional facilities to obtain signatures in person. Therefore, for all matters covered in Sections 4 and 5, this Order serves to continue those matters without need for further written orders. Additionally:

- a. Defense counsel is not required to obtain signatures from defendants on orders to continue criminal matters through April 24, 2020.
- b. Courts shall provide notice of new hearing dates to defense counsel and unrepresented defendants.
- c. Defense counsel shall provide notice to defendants of new court dates.

11. Bench warrants may issue for violations of conditions of release from now through April 24, 2020. However, courts should not issue bench warrants for failure to appear in-person for court hearings and pretrial supervision meetings unless necessary for the immediate preservation of public or individual safety.

12. Motions for Pre-Trial Release:

- a. Courts shall hear motions for pretrial release on an expedited basis without requiring a motion to shorten time, but only if victims or witnesses can participate on an expedited basis. Const. Art. 1 (section 35).
- b. The Court finds that for those identified as part of a vulnerable or at-risk population by the Centers for Disease Control, COVID-19 is presumed to be a material change in circumstances, and the parties do not need to supply additional briefing on COVID-19 to the court. For all other

cases, the COVID-19 crisis may constitute a “material change in circumstances” under CrR/CrRLJ 3.2(k)(1) and “new information” allowing amendment of a previous bail order or providing different conditions of release under CrR or CrRL or J 3.2(k)(1), but a finding of changed circumstances in any given case is left to the sound discretion of the trial court. Under such circumstances in the juvenile division of superior court, the court may conduct a new detention hearing pursuant to JuCR 7.4.

- c. Parties may present agreed orders for release of in-custody defendants, which should be signed expeditiously.
- d. If a hearing is required for a vulnerable or at-risk person as identified above, the court shall schedule such hearing within five days. The court is strongly encouraged to expedite hearings on other cases with due consideration of the rights of witnesses and victims to participate.

13. Courts must allow telephonic or video appearances for all scheduled criminal hearings between now and through April 24, 2020, unless impossible. For all hearings that involve a critical stage of the proceedings, courts shall provide a means for the defendant to have the opportunity for private and continual discussion with his or her attorney. Telephonic, video or other hearings required to be public must be recorded, with the recording preserved for the record.

14. The Court recognizes that there are procedural issue in juvenile, dependency, involuntary commitment, child support, and other matters that may not be

encompassed in this Order. Nothing in this Order limits other interested parties in submitting similar orders tailored to the unique circumstances of those matters and any other matters not contemplated by this Order; however, parties are strongly encouraged to contemplate the issues addressed in this order. Nothing in this order prevents courts from following specific emergency plans for such matters, including for Involuntary Treatment Act and dependency matters.

15. Nothing in this order limits the authority of courts to adopt measures to protect health and safety that are more restrictive than this order, as circumstances warrant, including by extending as necessary the time frames in this order.
16. The Supreme Court may extend the time frames in this order as required by 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 amended order supersedes the Supreme Court's March 18, 2020 order (as corrected March 19, 2020).

DATED at Olympia, Washington this 20th day of March, 2020.

For the Court


CHIEF JUSTICE

I write to express my disagreement with paragraphs 11 and 12 of this order. In this time of grave state emergency, bench warrants should not issue for violations of conditions of release without a specific finding that the alleged violation poses a serious threat to public safety. There are so many varied conditions of release that would not jeopardize public safety. Issuing bench warrants without such a finding of serious threat to public safety only serves to funnel more people into detention or for individuals to have outstanding warrants on their record. Outstanding warrants are also a basis for stopping and detaining individuals. I would prohibit such bench warrants absent a specific finding.

I also disagree with the conditions placed on pre-trial release in paragraph 12 that are *conditioned* on a victim or witnesses' participation. The Chief Justice misreads this important Constitutional provision. CrR 3.2 governs pre-trial release and this order, as written, undermines the presumption of release in noncapital cases. At most, notice to a victim or witness of release may be warranted but a victim or witness's participation has never been a condition of release and is not what our state Constitution requires. I object to this requirement which has no basis in the law.

Finally, I disagree with paragraph 12(b)'s statement that COVID-19 constitutes a change in circumstances for only a small portion of our Washington population. I believe it constitutes a change in circumstances for all.

Sp. J. 3-18-20
Robt McAd, J.
Gonzalez, J (by spm)
Montoya-Lewis, J (by spm)

EXHIBIT C

FILED
KING COUNTY, WASHINGTON

MAR 24 2020

DEPARTMENT OF
JUDICIAL ADMINISTRATION

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

IN THE MATTER OF THE RESPONSE BY
KING COUNTY SUPERIOR COURT TO
THE PUBLIC HEALTH EMERGENCY IN
WASHINGTON STATE

No. 20-0-12050-5

EMERGENCY ORDER #13
RE: DEPENDENCY MATTERS

This matter comes before the Court on the public health emergency in Washington State.

IT IS HEREBY ORDERED that, based on the findings in King County Emergency Orders Nos. 1-6 (available at <https://www.kingcounty.gov/courts/superior-court.aspx>), and the proclamations of Governor Jay Inslee (<https://bit.ly/33ILTeA>), and President Donald Trump (<https://bit.ly/38SiuK7>) regarding the COVID-19 pandemic, and Justice Stephens' Order No 25700-B-606 (<https://bit.ly/3a3WC03>) and based on the Court's need to maintain public health and safety balanced against the Court's core constitutional obligations to the public:

IT IS ORDERED:

All non-emergency matters are continued until after April 24, 2020. The Supreme Court's order automatically continues these matters (they are not stricken). Instructions will be provided at a later date as to how the following continued matters will be handled:

- 30 Day Shelter Care Hearings
- Pretrial Hearings

- 1 • Motions
- 2 • Default Hearings
- 3 • Disposition Hearings
- 4 • Initial Progress Review Hearings
- 5 • Permanency Planning Hearings
- 6 • Review Hearings (includes EFC, Legally Free, SIJS, VYG)
- 7 • Preliminary Hearings

8

9 TOP hearings are stricken and will need to be renoted. Motions for Publication will not be

10 addressed until after April 24, 2020.

11

12 **Morning Calendar for 72 Hour Shelter Care and Emergency Hearings**

13 The only dependency hearings that will be heard are:

- 14 • 72 Hour Shelter Care Hearings [by phone or in person]
 - 15 • Emergency Motions (immediately critical to child safety and health) [by phone]
 - 16 • Emergency EFC or SIJS (if case needs to be established prior to aging out, etc.) [by
 - 17 electronic submission]
- 18

19 Telephone hearings are encouraged for 72 Hour Shelter Care Hearings if discovery and proposed

20 orders have been exchanged. It is preferable if interpreters appear in person. If there is an issue

21 with the exchange of discovery or proposed orders, parties will need to appear, in person, for the

22 hearing.

23 For hearings to be held by phone, proposed Orders are to be submitted by each party in Word

1 document format.

2
3 A calendar call will be conducted each morning at 8:30 am. Professional parties who are
4 participating by phone need to be call the appropriate conference line prior to that start time. Each
5 court will ensure they have all information for each hearing and, if there are multiple 72s,
6 determine which case may be sent to a standby judge. The numbers to call into are:

7 206-263-8114 Conference Pin 8968706# Kent 1L

8 206-263-8114 Conference Pin 5167911# Seattle E-854

9
10 Parties on a telephone hearing will receive a phone call from the below numbers. Be sure you and
11 your client (if participating) are available as coordinating these calls is very challenging. Court
12 calls come from a 206-477-**** number.

13
14 **Agreed Orders**

15 The court will accept agreed orders such as Orders of Dependency with Waiver, Disposition
16 Orders, Dismissal Orders, Placement Change, etc.

17
18 The court will not accept agreed orders for Initial Progress Reviews, Permanency Planning
19 Hearings, Review Hearings or continuances of trials or hearings.

20
21 If parties have all signed off on the order, you may email that directly to the appropriate bailiff.
22 Be mindful of the court rotation schedule.

- 23
- Kent Tuesdays and Thursday – send to messitt.court@kingcounty.gov

- 1 • Seattle Mondays, Tuesdays, Wednesdays and Thursdays – send to
2 berns.court@kingcounty.gov and wiggs-martin.court@kingcounty.gov

3 **Agreed Adoptions**

4 Contact the King County Adoption Paralegal at scadoptionparalegal@kingcounty.gov for
5 instructions and documentation needed to have the lead dependency judge finalize adoption by
6 electronic submission. Please indicate that this is for a dependency matter. Parties will then email
7 to berns.court@kingcounty.gov to request an agreed adoption presentation via electronic
8 submission.

9
10 **Certified Copies**

11 If a certified copy of an electronically submitted Order is needed, parties need to add additional
12 language to the Order directing the clerk's office to provide that certified copy and whether a
13 voucher will be applied. Please visit [https://kingcounty.gov/courts/clerk/access-
14 records/records.aspx](https://kingcounty.gov/courts/clerk/access-records/records.aspx) to get more further information on how to process your certified copy request.

15 **FAMILY TREATMENT COURT**

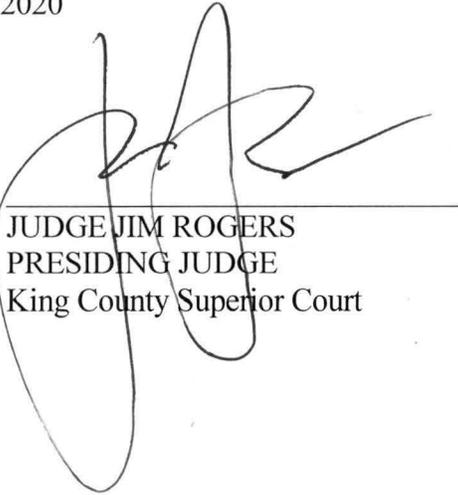
16 Calendars continue to be suspended. IPRs and PPHs are continued. Emergency motions will be
17 heard telephonically and parties setting an emergency motion submit their documents via the FTC
18 distribution. Proposed orders to be submitted in Word format. Any signed orders will be
19 distributed to the FTC distribution list.

20
21 For agreed Family Treatment Court Orders, please direct those orders to either
22 berns.court@kingcounty.gov or messitt.court@kingcounty.gov as appropriate. Note that the court
23 will not accept agreed Initial Progress Review or Permanency Planning orders.

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The Court may further modify operations. All parties and persons are encouraged to monitor the King County website at <https://www.kingcounty.gov/courts/superior-court.aspx> for updates.

Dated: March 24, 2020



JUDGE JIM ROGERS
PRESIDING JUDGE
King County Superior Court

EXHIBIT D



**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-33

**Department of Children, Youth, and Families - Child Visitation
and Remedial Services**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, and 20-32, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and to protect our most vulnerable populations, it is critical to limit person to person contact through social distancing and limiting person to person contact; and

WHEREAS, many of the children and youth who are found to be dependent by superior courts are ordered into the custody of the Department of Children, Youth, and Families, resulting in the placement of many children into the care of foster parents, relatives, group homes, and other suitable persons approved by the court with statutorily required visitation between the children and their families, as well as statutorily required fact-to-face visits between the children and Department of Children, Youth, and Families case workers; and

WHEREAS, an adequate number of relative caregivers, other suitable persons, foster parents, and group homes is necessary to provide essential services to dependent children, and the COVID-19 pandemic is anticipated to significantly reduce the availability of relative, other suitable person, foster care, and group care beds if dependent children are exposed to people outside of the foster or group home through in-person visits with parents, siblings, or other family members; and

WHEREAS, relatives, other suitable persons, foster families, and group home operators are anticipated to withdraw their services and homes for placement if there is a risk that COVID-19 will spread within the home; and

WHEREAS, it is necessary to immediately waive and suspend in-person visitation requirements under RCW 13.34 and RCW 74.13 that require in-person visitation of children in the custody of the Department of Children, Youth, and Families by parents or other family members and by Department of Children, Youth, and Families case workers; and

WHEREAS, the Department of Children, Youth, and Families is required by RCW 13.34.025 to provide remedial services to parents of dependent children, and to report to the court when these services are not available; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington has resulted in many providers of remedial services to parents of dependent children temporarily shutting down; and

WHEREAS, the state's juvenile and superior courts are operating on a limited basis, only hearing emergent civil matters, and are not fully available to respond to statutorily required reports under RCW 13.34.025 by the Department of Children, Youth, and Families when remedial services are not available, and as a result these reports and any related hearings are an unnecessary burden on currently overtaxed systems; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 as amended remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that prevent, hinder or delay action in coping with the COVID-19 State of Emergency that is necessary to prevent a destabilization of the foster care system.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military

EXHIBIT E

FILED
KING COUNTY, WASHINGTON

MAR 27 2020

SEA
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

IN THE MATTER OF THE RESPONSE BY
KING COUNTY SUPERIOR COURT TO THE
PUBLIC HEALTH EMERGENCY IN
WASHINGTON STATE

No. 20-0-12050-5

**EMERGENCY ORDER #15
RE: CIVIL AND FAMILY LAW
MATTERS**

This matter comes before the Court on the public health emergency in Washington State.

IT IS HEREBY ORDERED that, based on the findings in King County Emergency Orders Nos. 1-6, the March 23, 2020 Stay Home-Stay Healthy proclamation of Governor Jay Inslee, the March 13, 2020 Proclamation of President Donald Trump regarding the COVID-19 pandemic, Justice Debra Stephens' Order No 25700-B-606 and Amended Order No. 25700-B-607, and based on the Court's need to maintain public health and safety balanced against the Court's core constitutional obligations to the public:

The King County Superior Court now enters a revised order regarding procedures governing civil matters during the public health emergency. **This Order supersedes the Emergency Order #11 dated March 19, 2020, the Amended Emergency Order #11 dated March 20, 2020, the Emergency Order #6 dated March 16, 2020, and the Unified Family Court General Order dated March 17, 2020. This order applies to all civil cases except for cases concerning Dependency and the Involuntary Treatment Act ("ITA"). Motions in civil cases and family law cases are addressed in separate sections (Sections B and F).**

1 By this order, the Court will assist parties in progressing with their civil litigation to avoid
2 lack of access and a backlog of justice to the extent possible within the confines of Governor
3 Inslee's March 23, 2019 Stay Home - Stay Healthy proclamation. Compliance with the
4 proclamation is the highest priority for all residents of Washington. Parties and lawyers should
5 act to ensure compliance for the safety of themselves, their clients, their staff, court employees,
6 and their community. The Court will conduct non-emergency civil litigation only so long as such
7 actions are consistent with the Governor's proclamation. The Court will expect attorneys and
8 parties to factor such considerations into their litigation plans and actions. If the Court determines
9 that it is unable to continue to conduct non-emergency civil litigation consistent with the
10 Governor's proclamation, or there are any new developments, the Court will swiftly issue new
11 orders and modify operations. All parties and persons are encouraged to monitor the King County
Superior Court website at <https://www.kingcounty.gov/courts/superior-court.aspx> for updates.

12 **IT IS HEREBY ORDERED:**

13 **A. Civil Trials**

- 14 1. All civil trials (except for Dependency and ITA cases) currently scheduled in King
15 County Superior Court between March 16, 2020 and June 8, 2020 are stricken and will
16 be re-set to a date on or after June 8, 2020.
- 17 2. The individual calendar (IC)/assigned trial judge shall set a new trial date for all civil
18 trials where the trial date was stricken. Prior to April 10, 2020, the parties may either
19 submit an agreed order for a new trial date, or, if the parties cannot agree, either party
20 may file a motion to set a new trial date. No later than April 10, 2020, parties should
21 notify the trial court of their availability, regardless of whether the parties file an agreed
22 order or motion.
- 23 3. When the Court is able to resume jury trials, the Court will prioritize assignments.
Criminal trials, Dependency trials, and certain family law matters will take priority over
civil cases in the short term.

1 **B. Civil Motions Before Assigned Judges (Except Motions in Family Law Proceedings)**

- 2 1. The March 20, 2020 Washington Supreme Court's Amended Order clarified the
3 Superior Court's authority to handle certain civil matters during the public health
4 emergency. It provides: "All non-emergency civil matters shall be continued until after
5 April 24, 2020 except those motions, actions on agreed orders, conferences, or other
6 proceedings that can appropriately be conducted by telephone, video or other means
7 that does not require in person attendance."
8 2. All civil motions shall be heard without oral argument unless specifically requested by
9 the assigned judge. The parties may request oral argument, but the decision will be left
10 to the assigned judge.
11 3. If the Court requests oral argument, it will be conducted by telephone, video, or other
12 electronic means.
13 4. The Court finds good cause to alter the time limits in LCR 7(b). These are now nine
14 court day motions. The moving party shall serve and file all motion documents no later
15 than *nine court days* before the date the party wishes the motion to be considered;
16 opposing documents will be filed and served no later than 4:30 p.m. *four court days*
17 before the motion is to be considered; and any optional strict reply will be filed and
18 served no later than 4:30 p.m. *two court days* before the hearing.
19 5. The Court finds good cause to waive the requirement of oral argument in LCR 56 and
20 LCR 7(b)(4)(B).
21 6. The Court is aware that parties may face difficulties in timely responding to motions
22 for personal or case (.i.e., discovery) reasons related to COVID-19. Parties may request
23 a continuance related to COVID-19 from the Court and such requests will be liberally
granted. Under such circumstances, a party should first request that the opposing party
agree to a continuance. A responding party may file a motion to continue the
underlying motion using the the procedure set out in CR 56(f), which must include a

1 declaration or certification. In the alternative, parties and attorneys may use the
2 Court's form *Request for Relief and Certification Regarding Extenuating*
3 *Circumstances from Covid-19 Outbreak* to request relief from responses to filings,
4 deadlines, process, or other requirements in civil litigation proceedings. The form can
5 be found in King County Superior Court Clerk's Office Website; Forms Library;
6 Superior Court Forms; Civil Forms, or at the following website:
7 <https://www.kingcounty.gov/courts/clerk/forms.aspx>. A motion to shorten time is not
8 necessary for the Court to consider the request.

- 9 7. All attorneys will comply with mandatory electronic filing pursuant to LGR
10 30(b)(4)(A).
- 11 8. All attorneys will comply with mandatory electronic service pursuant to LGR
12 30(b)(4)(B).
- 13 9. The court strongly encourages all attorneys to submit e-working copies pursuant to
14 LGR 30(b)(4)(A)(iii). Attorneys may use GR 30(d)(2)(A) regarding electronic
15 signatures.
- 16 10. Supplemental Proceeding are suspended until after April 24, 2020.
- 17 11. Oath of Attorneys will be handled by telephone. See
18 <https://www.kingcounty.gov/courts/superior-court/directory/judges/cahan.aspx> for
19 instructions.
- 20 12. Motions for default, Motions for Default Judgment, and requests for entry of Judgment
21 and Order to Pay on Writs of Garnishment will be denied without prejudice while
22 public health advisories are in effect, except where an order in a family law case
23 specifically directs that a writ of garnishment be permitted. The Court is aware that
members of our community are experiencing significant instability. This may include
homelessness, changes in housing in order to comply with isolation and quarantine
requirements, and lack of access to public resources such as libraries.

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13. On March 18, 2020, Governor Inslee issued a moratorium on residential unlawful detainer actions based on failure to pay rent and prohibited law enforcement from serving or otherwise acting on eviction orders until April 17, 2020. The Mayor of Seattle has placed a moratorium on both residential and small business commercial evictions until May 3, 2020 (as modified by the Seattle City Council). The King County Sheriff issued a letter that due to limited resources their office would be suspending all eviction services. Therefore, all hearings, motions, and trials on residential eviction cases are stayed until April 17, 2020. For the City of Seattle all hearings on small business and nonprofit evictions are stayed until May 3, 2020.

14. King County Superior Court is operating in a limited capacity. The court will rule on non-emergency matters submitted as soon as practicable under these extraordinary circumstances.

15. E-Working Copies remain available as a way to submit working papers and is the preferred method for litigants who have sufficient resources to use it. All filings and working papers may also be submitted in person or by mail consistent with King County Local Court Rules.

16. This section does not apply to motions in family law proceedings, including motions set before Unified Family Court ("UFC") judges and before civil judges assigned to family law cases without children. Motions in family law proceedings are addressed in **Section F** below. For emergency motions permitted by Section F and required by Local Family Law Rule 5 to be set before assigned judges, the procedural provisions in this section (paras. 2-4 and 6-9) apply.

C. Ex Parte

1. All orders permitted under LCR 40.1, with the exception of orders related to Unlawful Detainer, Civil Defaults, and Judgments on Writs of Garnishment may be presented Ex Parte via the Clerk (EPVC) consistent with historical practice. This includes agreed

1 orders in family law cases with the exception of agreed Parenting Plans. (See Ex Parte
2 website for instructions for telephonic presentation of Parenting Plans; see Family Law
3 website for instructions on how self-represented parties can finalize agreed divorces.)

- 4 2. All hearings in the Ex Parte Department shall be telephonic. See Ex Parte website at
5 <https://www.kingcounty.gov/courts/superior-court/ex-parte-probate.aspx> for detailed
6 instructions. There is no need to be physically present in court. Parties do not need to
7 confirm their hearings are by telephone.
- 8 3. The moving party shall provide notice of the necessity to appear by phone to all parties.
9 A sample notice is posted on the Ex Parte website. Failure to provide notice may result
10 in a continuance.
- 11 4. Judicial officer's working copies must be submitted timely or the motion will not be
12 heard.
- 13 5. A variety of processes and procedures have been implemented to move to all electronic
14 submissions and telephonic hearings. See Ex Parte website for further instruction and
15 updates. To the extent the instructions differ from prior Emergency Orders
16 (specifically Emergency Order Number 4), the most current procedures on the website
17 should be followed.
- 18 6. Guardians Ad Litem ("GALs") are authorized to arrange for video conference
19 interviews with Alleged Incapacitated Person ("AIPs") without prior court
20 authorization provided this is clearly described in detail in the GAL's report.

21 **D. Civil Arbitrations**

- 22 1. All Superior Court Civil Arbitration hearings pursuant to RCW 7.06, the Superior
23 Court Civil Arbitration Rules, and King County Local Rules for Civil Arbitration will
24 be by telephone. No in-person arbitrations are allowed.
- 25 2. Arbitrators are authorized to set hearings past the LCAR 5.1 deadlines.

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3. Any arbitrator unable to serve shall immediately notify the Civil Arbitration Department.

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E. Civil Protection Orders, Restraining Orders and Anti-Harassment Orders

1. The Court has authority to extend the time for a full hearing on newly-filed or expiring civil protection orders, restraining orders, and anti-harassment orders for up to 28 days. This order includes protection orders and restraining orders in the following categories: domestic violence protection orders (DVPOs), sexual assault protection orders (SAPOs), extreme risk protection orders (ERPOs), anti-harassment protection orders, stalking protection orders, vulnerable adult protection orders (VAPOs), and family law restraining orders. The Court may also extend ex parte orders and renewal orders referenced in this section beyond the initial period for up to 28 days until a hearing may be held. Judicial officers will continue to review ex parte petitions to determine whether a temporary order is warranted and, if so, shall set a full hearing on the petition.
2. Judicial officers have discretion to extend full hearings on temporary orders beyond 28 days based on agreement of the parties or additional specific findings of good cause.
3. Parties may request an emergency written review of these extended orders and the other party may object in writing. This review will be in the form of an Emergency Motion for Reconsideration or Emergency Motion to Quash that will be submitted to the issuing judicial officer and decided without oral argument.
4. The Court may order that service of these orders be made by mail or other means calculated to provide actual service. If parties have previously agreed to e-mail service or opted into e-service in the case or other currently open related case, service of ex parte orders or reissuance/continuance orders by e-mail or e-service shall be sufficient. If service of these orders by law enforcement officers or process servers becomes unavailable or not reasonably available, the Court may order service by mail.

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F. Motions and Hearings in Family Law Proceedings

1. It is necessary to suspend or modify certain rules regarding Family Law proceedings. This includes LFLRs 5, 6, 8, 13, and 17.
2. Effective March 17, 2020, only emergency matters (referenced as “mission critical matters” in previous orders) as defined below may be set on the Family Law Motions Calendar or before the assigned judge, Chief UFC Judge or designated writ judge in family law proceedings. Non-emergency motions (except motions related to rescheduling trial as specified section A, paragraph 2) are not permitted in family law proceedings because there is a high volume of emergency matters that have priority and because there are many self-represented parties who face significant barriers to accessing the court and responding to motions during this period, and who should not be compelled to violate the Governor’s proclamation to respond to a non-emergency motion.
3. Emergency matters are defined as follows:
 - Domestic Violence Protection Order hearings
 - Motions for temporary restraining orders where personal safety is at issue
 - Motions necessary to protect a child from physical or serious emotional harm or to prevent child abduction
 - Motions and child support trials by affidavit where a person’s basic financial survival is at issue (i.e., ability to maintain housing, basic necessities, and critical health care) or post-secondary (college) support is at issue and there are deadlines that cannot be moved
 - Return on Warrant hearings
 - Petitions for Writs of Habeas Corpus and returns where there is a risk of abduction or an imminent risk of harm to the child
 - Weapons Surrender Compliance Calendar
 - Emergency motions on parenting issues where the health or safety of a child or adult is at risk due to COVID-19
 - Emancipation proceedings where the petitioner would be at risk of physical or serious emotional harm if the petition is not considered
 - Motions to Decide Parentage in surrogacy cases where a child has been born or birth is anticipated to occur in the next 30 days

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4. The Court finds that the current COVID-19 emergency constitutes a substantial change in circumstances pursuant to RCW 26.09.260(1) where there is an allegation that the health of the child is at risk if there is not a temporary modification of the parenting plan. Any party seeking a temporary modification of a parenting plan or non-parental custody order, due to a COVID-19 emergency, may note a hearing for temporary order without filing a Petition for Modification or noting a Motion for Adequate Cause and may seek an immediate order and order to show cause in the Ex Parte Department if it is an emergency and there is an imminent threat of irreparable harm. Notice shall be given to the other party or their counsel that an immediate order is being sought, and the other party's or counsel's telephone and e-mail contact information shall be provided, along with the moving party's contact information, so that both sides can be contacted telephonically.
 5. Any temporary modification order issued pursuant to paragraph 4 shall be in effect only through the expiration of any proclamation or orders of the Governor of Washington limiting travel or contact due to the COVID-19 emergency. Upon expiration of any temporary orders entered pursuant to paragraph 4, the parties shall immediately resume following the prior parenting plan or non-parental custody order unless they have filed a Petition for Modification and have noted a hearing on motions for adequate cause and temporary parenting plan or non-parental custody order consistent with RCW 26.09.260(1), or have obtained an ex parte emergency restraining order.
 6. All emergency motions will continue to be set according to the Local Family Law Rules. For emergency motions to be set before assigned judges pursuant to LFLR 5, the procedural provisions in **Section B** paragraphs 2-4 and 6-9 apply, including provisions for lengthened time periods and electronic submissions. For motions set on the Family Law Motions Calendar, **no working papers are required or**

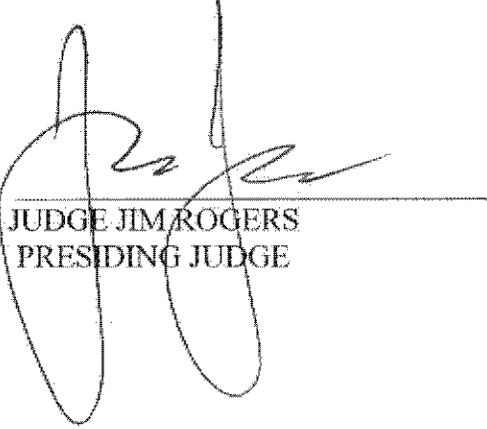
1 **accepted, and no confirmation of the hearing is required.** Motions will be
2 stricken or denied without prejudice if they are deemed not to qualify as an
3 emergency motion. Parties may use the the Court's form *Request for Relief and*
4 *Certification Regarding Extenuating Circumstances from Covid-19 Outbreak* to
5 request relief from responses to filings, deadlines, process, or other requirements that
6 is referenced in Section B.6.

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- 8 7. All hearings, including hearings in domestic violence protection orders, will be
9 telephonic unless telephonic appearance is impossible or a personal appearance
10 requested by a judicial officer.
- 11 8. Status/Non-Compliance Hearing shall be conducted by paper review. No dismissals
12 will be issued based on failure to appear on that calendar.
- 13 9. All pretrial conferences set before April 24, 2020 are stricken.
- 14 10. All non-emergency hearings set in family law proceedings pursuant to LFLR 5 and
15 LFLR 6 between March 18, 2020 and April 24, 2020, will be stricken or denied
16 without prejudice. The court will rule on all matters that were submitted for decision
17 prior to March 18, 2020 as soon as practicable under these extraordinary
18 circumstances, prioritizing any decisions that meet the emergency criteria.
- 19 11. A variety of processes and procedures have been implemented to move to all
20 electronic submissions and telephonic hearings and to provide family law services,
21 including mandatory FLO and parenting seminars, Courthouse Facilitator Services
22 for self-represented parties, mediation in cases where both parties are self-
23 represented, and Family Court Services parenting evaluations by virtual means. See
Family law website, <https://www.kingcounty.gov/courts/superior-court/family.aspx>
for further instruction and updates. To the extent the instructions on the website
differ from prior Emergency Orders, the most current procedures on the website
should be followed.

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G. Effective Dates. This Order will be in effect beginning Monday, March 30, 2020 until April 24, 2020. The Order may be extended beyond that date in light of the COVID-19 crisis.

Dated: March 27, 2020



JUDGE JIM ROGERS
PRESIDING JUDGE

EXHIBIT F

DEPENDENCY & COVID 19

MEETING MINUTES

Date: Friday, March 27, 2020

Time: 10:00 – 10:30 am

Conference Call

In Attendance

| Judge Berns | Beth Freeman | Jana Heyd | Michael Griesedieck | Stacy Keen | Mary Li |
| Jorene Reiber | Desiree Rollins | Nishi Shankar | Colleen Shea-Brown | Tara Urs |

Opening Remarks

Judge Berns, on behalf of the dependency judges, thanked everyone for the incredible work that is being done and meeting the challenges in our ever-changing system during the pandemic. It has been great seeing the collaboration and cooperation occurring between parties.

Visitations

Discussions were held regarding whether the governor's March 26th proclamation suspends in person visits through April 25th. The court interprets that the proclamation, in accordance with the Stay Home Stay Healthy order does suspend in person visits. The court will not entertain any motions which deviate from the proclamation as it impacts the safety of the greater community. We all need to look at how we can connect families through other means. Desiree Rollins reported that there is a training for providers at 1 pm today to discuss what visitation will look like. Jana Heyd reported that CITA is trying to arrange a training next week around visitation. Stacy Keen will send out two documents received from Kelly Warner-King that contain ideas and suggestions for keeping families connected.

72 Hour Shelter Care Hearings

Judge Berns indicated that the court is doing its best to conduct 72 Hour Shelter Care Hearings telephonically when possible. The court recognizes how hard parties are working before they get to the hearing to exchange discovery and negotiate agreements. If there are multiple 72s scheduled, the court can work with other judicial officers to hear these matters so parties are minimizing their time in court or on the phone. Tara Urs relayed that their position is to send as few staff to court as possible and increase phone appearances. Mary Li related that as staff is not prepping for regular full-day calendars, they have been able to spend more time prepping and working on agreements in advance of the hearing.

Motions to Withdraw

Judge Berns advised that the court will consider, as an emergency hearing, withdrawals based on agency conflict that need to go to another agency. These will be handled by phone.

The court will not hear motions for withdrawal that involve communication breakdown or no contact with client. The court prefers this wait until normal operations resume so that judges can address the client.

Jail Transport

Judge Berns reports that court staff continue to send JAMMA requests to DAJD. The court, however, does not have control over the jail officers or what emergency procedures they may need to impose. Jana Heyd reported that attorneys were able to meet with clients in KCCH 1201 before a hearing, but there were a lot of people in the room that were too close together. Tara Urs indicated that DPD is working with DAJD regarding video conferencing availability.

Emergency Motions

Judge Berns acknowledged that there are a lot of questions and concerns about what constitutes an emergency motion. She reminded that these should be regarding the immediate risk to a child's health or safety while we are in Step 4 of the Step-Down Plan. The court reminded that if there is an agreed order for a dismissal or a return home, those are being signed. Tara Urs asked about whether the court would consider a case where there is a represented party, but not a lot of contact; not necessarily agreed, but would be unopposed. Judge Berns indicated that the court might consider that later when we are working towards lessening emergency protocols.

Court Rotation Schedule for MRJC and KCCH

The 53 King County judges are taking turns on calendars in order to give clerks, bailiffs and other staff time away from the courthouse. Judge Messitt will cover the Kent dependency calendar on Tuesdays and Thursdays. A backup judge will be scheduled for any Monday hearing. [There is no Wednesday or Friday calendar for Kent.] For Seattle, Judge Berns and Judge Wiggs-Martin will alternate days so both will cover two days a week. [There is no Friday calendar.] If judicial unavailability is known in advance, information regarding the covering judicial officer will be indicated on the calendar distributed by the dependency coordinators.

Mary Li raised the question as to who to contact if there is a covering judge. Judge Berns relayed that parties will still call the conference lines indicated for calendar call, as the dependency bailiffs will assist the covering judge.

Good of the Order

- Jorene Reiber inquired if parties would still be interested in conducting mediations if agreed to by all parties. The consensus is that, if these are reviewed on a case-by-case basis and if these can be done by phone, mediation would be helpful.
- Stacy Keen reminded that requests for emergency hearings are due to the appropriate dependency email box **by 3:00 pm** so calendars and working papers can be prepped. Requests and documents received after 3:00 pm will be placed on the calendar for the day after (i.e., request received Tuesday at 4:00 pm is set for Thursday at 8:30 am).
- Tara Urs requested that agreed continuance orders for dependency and termination trials be considered. Judge Berns indicated that currently those will not be heard, but will review that when the court is closer to resuming normal operations.

EXHIBIT G



King County

Department of Public Defense

Dexter Horton Building
710 Second Avenue, Suite 200
Seattle, WA 98104

Main Phone: 206-296-7662

Toll free: 844-935-3534

Fax 206-296-0587

TTY Relay 711

March 27, 2020

Re: Follow-up on today's Dependency & COVID 19 meeting

Dear Judge Berns,

I am writing, first, to thank you for hosting a dependency operations meeting by phone today. We have many operational needs that I hope to continue to work on as we move through this emergency. I mentioned some of them today.

I also recognize the value in having a small number of stakeholders address those issues, particularly when we are meeting by phone, in order to be most efficient. I will do my best to communicate the court's views back to those at DPD.

However, I also think it is necessary for me to mention that I cannot, nor would I want to, prevent attorneys from filing motions to advance their clients' interests. Therefore, even though the Court has taken the position that Governor's Proclamation yesterday suspends all in-person family visitation, attorneys may nevertheless file motions advancing a different view. As I mentioned at the meeting, the Governor's Proclamation removed statutory requirements that mandated the maximum amount of visitation, but did not affirmatively suspend in-person family visitation.

This morning, you also mentioned that you were aware that more direction was coming from AOC today. We will look at those new rules when we receive them. Under yesterday's Proclamation, visitation remains a "right of the family" – the scope of that right, and the meaning and effect of the various new rules, must be open to examination through traditional motion practice—including motions regarding in-person visitation. As the scope of our clients' right of access to their children is unresolved, DPD attorneys will continue the traditional legal practice of asking this court to grant relief they believe is appropriate.

Although we recognize that the court has limited all motions to emergencies, visitation issues can rise to the level of an emergency, especially when ongoing visitation is disrupted and the mental health of children is impacted. Therefore, in my view, information disseminated at the



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meeting cannot be the basis to deny a motion -- parties must still have an opportunity to make their record and argue their individual positions.

Moving forward, I am hopeful that we can continue to collaborate on ways to further open the courts to address the significant, new issues our clients are facing in these times of uncertainty.

Best regards,

Tara Urs

Cc:

Jana Heyd

Michael Griesedieck

Stacy Keen

Mary Li

Jorene Reiber

Desiree Rollins

Colleen Shea-Brown

Kelli Johnson

Matt Pang

Kathleen McClellan

Helen Redman



EXHIBIT H



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
Administration on Children, Youth and Families
330 C Street, S.W.
Washington, D.C. 20201

March 27, 2020

Dear Child Welfare Legal and Judicial Leaders,

The Children's Bureau (CB) is aware of questions and concerns regarding a number of child welfare issues in light of the COVID-19 public health emergency, including whether CB can waive statutorily required judicial proceedings. As discussed and delineated below, CB cannot waive these statutory requirements but expects that courts and states will work together to determine how best to balance child-safety related statutory requirements against public-health mandates. But as delineated below, as situations require, courts can and should use flexible means of convening required hearings.

In the wake of Hurricane Katrina, CB issued guidance about these issues, which appears in the Child Welfare Policy Manual. See generally ACYF-CB-IM-05-06. Among other things, the policy manual and the guidance explain the requirements related to judicial proceedings, as well as the implications for not holding such proceedings in a timely manner.

In all cases, title IV-E of the Social Security Act (the Act) requires that the following hearings be held and determinations made:

- **Contrary to the welfare (judicial determination):** This critical judicial determination must be made in the first court proceeding that sanctions the child's removal. If that does not occur, the child is ineligible for title IV-E foster care maintenance payments (title IV-E) for the duration of the child's foster care episode.
- **Reasonable efforts to prevent removal (judicial determination):** This determination—an important statutory protection—must be made within 60 days of the child's removal; if not conducted timely, the child will not be eligible for title IV-E for the duration of the foster care episode.
- **Reasonable efforts to finalize the permanency plan (judicial determination):** This judicial determination must be made within 12 months of the child entering foster care (as defined at §475(5)(F) of the Act and 45 CFR 1355.20(a)). If not conducted in a timely manner, the agency may not claim title IV-E until it has secured the determination. Once made, the agency may again begin claiming title IV-E on behalf of the otherwise eligible child. Note that this determination may be made in any type of judicial proceeding, including a permanency hearing.
- **Six month review and 12 month permanency hearings:** These hearings ensure that the court is aware of what is happening with the child on a routine basis and that the child's case continues to progress. They can be held in any type of proceeding; neither impacts a child's title IV-E eligibility or the agency's ability to claim title IV-E on behalf of an

otherwise eligible child, as long as the requisite judicial determinations (described above) are made. Nonetheless, these hearings are to be conducted in a timely manner.

Despite the public health crisis that exists, it is critical that child welfare agencies and courts work together to ensure that the requisite judicial proceedings continue during this time of uncertainty; each is critical to ensuring the safety, permanency and well-being of children and youth who have been removed from their homes and placed into foster care or who may need to be removed from their homes. Prolonged or indefinite delays in delivering services and postponements of judicial oversight place children's safety and well-being in jeopardy; may lead to unnecessarily long stays in foster care; and are inconsistent with statutory and regulatory requirements. States and courts should adhere to their own statutory and regulatory requirements about conducting such hearings in person or through other means, including holding such proceedings via videoconference and/or telephonically.

CB believes that justice requires that parents and children continue to be able to meet, speak, and stay in frequent communication with their attorneys. Therefore, we urge all attorneys, courts, Court Improvement Programs (CIPs) and administrative offices of the courts to work together to ensure that parents, children, and youth are well represented and able to participate in all proceedings in which judicial determinations are made, whether they are conducted in-person or virtually. Similarly, we expect that all parties will continue to receive timely notice of all proceedings, as required by the Act. States and courts are reminded that hearings and notices must be accessible to limited English proficient individuals and individuals with disabilities, in accordance with Federal civil rights laws. CB urges all attorneys to keep in close contact with their clients, in any way they can, and to bring urgent issues to the attention of the courts and all parties. Additionally, in order to practice in a manner consistent with constitutional principles and to serve the best interests of children, CB urges all attorneys, courts, CIPs and administrative offices of the court to:

- Refrain from making sweeping, blanket orders ceasing, suspending, or postponing court hearings;
- Ensure that important decisions about when and how hearings are conducted are made on a case-by-case basis in accordance with the facts of each individual matter;
- Encourage attorneys to file written motions raising issues of immediate concern;
- Make maximum use of technology to ensure due process where in-person hearings are not possible or appropriate;
- Ensure parents and youth have access to technology such as cell phones, tablets, or computers with internet access to participate in hearings or reviews and maintain important familial connections;
- Consider utilizing CIP funds to support and enhance virtual participation for parents, children, youth, and their attorneys in hearings and reviews; and
- Encourage attorneys to resolve agreed-upon issues via stipulated orders. For example, if all parties agreed that a child in foster care can be reunified with his/her family immediately, that issue should be resolved via a stipulated order, rather than waiting weeks or months for an in-person court hearing.

CB is also aware of instances where judges have issued blanket orders suspending or drastically reducing family time (visitation) between children in foster care and parents, sometimes indefinitely. Family time is important for child and parent well-being, as well as for efforts toward reunification. Family time is especially important during times of crisis. CB strongly discourages the issuance of blanket orders that are not specific to each child and family that suspend family time; doing so is contrary to the well-being and best interest of children, may contribute to additional child trauma, and may impede the likelihood of reunification. With respect to family time, CB urges all courts, CIPs, and administrative offices of the courts to:

- Discourage or refrain from issuing blanket court orders reducing or suspending family time;
- Be mindful of the need for continued family time, especially in times of crisis and heightened anxiety;
- Remain cognizant that interruption or cessation of family time and parent-child contact can be traumatic for children;
- Continue to hold the child welfare agency accountable for ensuring that meaningful, frequent family time continues;
- Become familiar with ways in which in-person visitation may continue to be held safely;
- Encourage resource parents to provide transportation to, and supervision of, family time in order to limit additional people having to be involved to limit possible exposure to COVID-19;
- Consider the use of family members to supervise contact and to engage in visitation outdoors, where feasible;
- Inquire whether parents and resource parents have access to cell phones and computers with internet access to ensure virtual connections where in-person family time is not possible;
- Encourage use of technology such as video conferencing, phone calls and other readily available forms of communication to keep children, parents, and siblings connected;
- Ask parents their preference when deciding how to proceed with family time as some parents may prefer to meet via technology due to health concerns; and
- Consider whether children may be reunified with their parents in an expedited manner if the child's safety would not be jeopardized.

It is also critical that agencies and courts take all measures possible to continue ensuring that parents and children receive services and treatment. Interruptions in court-ordered services or treatment in case plans due to lack of provider availability during the COVID-19 pandemic are likely to present significant barriers for parents working toward reunification. Lack of, or inability to access, treatment or services due to provider closures during the pandemic should not be interpreted as a lack of parental compliance, and might indicate an agency's failure to make reasonable efforts to reunify. This may constitute a compelling reason not to file a petition to terminate parental rights under §475(5)(E) of the Act simply because a child has been in foster care for 15 months of the last 22 months. CB urges courts to be mindful of the circumstances in each case.

With respect to parental services and treatment, CB urges all courts, and administrative offices of the courts and CIPs to:

- Inquire actively about, and monitor closely, the availability of treatment and other services for parents;
- Inquire whether parents and resource parents have access to landlines, cell phones and computers with internet access to ensure virtual connections where in-person time is not possible; and
- Encourage use of technology to continue treatment and services where in-person services or treatment may temporarily be unavailable.

Finally, CB is aware that there are mandated costs or fees that litigants must pay in order to participate in dependency hearings via certain technology platforms in some jurisdictions. CB urges any jurisdiction that requires payment from litigants to suspend such charges in light of the present circumstances. A comprehensive list of low or no cost communication platforms and applications used currently around the country for participation in hearings and reviews or attorney communication with children and parents is included as an attachment to this letter.

We thank you for your efforts to protect the safety of children and rights of parents, and to ensure that meaningful judicial oversight remains intact during these difficult times. Vulnerable children and families around the country are counting on you to do so.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry Milner".

Jerry Milner
Associate Commissioner
Children's Bureau

EXHIBIT I

FILED
KING COUNTY, WASHINGTON

MAR 30 2020

DEPARTMENT OF
JUDICIAL ADMINISTRATION

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

IN THE MATTER OF THE RESPONSE BY
KING COUNTY SUPERIOR COURT TO
THE PUBLIC HEALTH EMERGENCY IN
WASHINGTON STATE

No. 20-0-12050-5

EMERGENCY ORDER #16
RE: DEPENDENCY MATTERS

This matter comes before the Court on the public health emergency in Washington State.

IT IS HEREBY ORDERED that, based on the findings in King County Emergency Orders Nos. 1-6 (available at <https://www.kingcounty.gov/courts/superior-court.aspx>), and the proclamations of Governor Jay Inslee (<https://bit.ly/33ILTeA>), and President Donald Trump (<https://bit.ly/38SiuK7>) regarding the COVID-19 pandemic, and Justice Stephens' Order No 25700-B-606 (<https://bit.ly/3a3WC03>) and based on the Court's need to maintain public health and safety balanced against the Court's core constitutional obligations to the public:

IT IS ORDERED:

Pursuant to the Supreme Court Order of March 18, 2020, the following changes are implemented nunc pro tunc to March 20:

All non-emergency matters are continued until after April 24, 2020. The Supreme Court's order automatically continues these matters (they are not stricken). Instructions will be provided at a later date as to how the following continued matters will be handled:

- 30 Day Shelter Care Hearings
- Motions

- Default Hearings
- Disposition Hearings
- Initial Progress Review Hearings
- Permanency Planning Hearings
- Review Hearings (includes EFC, Legally Free, SIJS, VYG)
- Preliminary Hearings

TOP hearings are stricken and will need to be renoted. Motions for Publication will not be addressed until after April 24, 2020.

Morning Calendar for 72 Hour Shelter Care and Emergency Hearings

The only dependency hearings that will be heard are:

- 72 Hour Shelter Care Hearings [by phone or in person]
- Emergency Motions (immediately critical to child safety and health) [by phone]
- Emergency EFC, VYG or SIJS (if case needs to be established prior to aging out, etc.) [by electronic submission unless oral presentation requested]

Telephone hearings are encouraged for 72 Hour Shelter Care Hearings if discovery and proposed orders have been exchanged. If there is an issue with the exchange of discovery or proposed orders, parties will need to appear, in person, for the hearing.

For hearings to be held by phone, proposed Orders are to be submitted by each party in Word document format.

A calendar call will be conducted each morning at 8:30 am. Professional parties who are participating by phone need to be call the appropriate conference line prior to that start time. Each court will ensure they have all information for each hearing and, if there are multiple 72s, determine which case may be sent to a standby judge. The numbers to call into are:

206-263-8114 Conference Pin 8968706# Kent 1L
206-263-8114 Conference Pin 5167911# Seattle E-854

Parties on a telephone hearing will receive a phone call from the below numbers. Be sure you and your client (if participating) are available as coordinating these calls is very challenging. Court calls come from a 206-477-**** number.

Agreed Orders

The court will accept agreed orders such as Orders of Dependency with Waiver, Disposition Orders, Dismissal Orders, Placement Change, etc.

The court will not accept agreed orders for Initial Progress Reviews, Permanency Planning Hearings, Review Hearings or continuances of trials or hearings.

If parties have all signed off on the order, you may email that directly to the appropriate bailiff. Be mindful of the court rotation schedule.

- Kent Tuesdays and Thursday – send to messitt.court@kingcounty.gov
- Seattle Mondays, Tuesdays, Wednesdays and Thursdays – send to both

1 berns.court@kingcounty.gov and wiggs-martin.court@kingcounty.gov

2 **Agreed Adoptions**

3 Contact the King County Adoption Paralegal at scadoptionparalegal@kingcounty.gov for
4 instructions and documentation needed to have the lead dependency judge finalize adoption by
5 electronic submission.

6 **Certified Copies**

7 If a certified copy of an electronically submitted Order is needed, parties need to add additional
8 language to the Order directing the clerk's office to provide that certified copy and whether a
9 voucher will be applied. Please visit <https://kingcounty.gov/courts/clerk/access-records/records.aspx> to get more further information on how to process your certified copy request.

10 **FAMILY TREATMENT COURT**

11 Calendars continue to be suspended. IPRs and PPHs are continued. Emergency motions will be
12 heard telephonically and parties setting an emergency motion submit their documents via the FTC
13 distribution. Proposed orders to be submitted in Word format. Any signed orders will be
14 distributed to the FTC distribution list.

15 For agreed Family Treatment Court Orders, please direct those orders to either
16 berns.court@kingcounty.gov or messitt.court@kingcounty.gov as appropriate. Note that the court
17 will not accept agreed Initial Progress Review or Permanency Planning orders.

18 Dated: March 30, 2020 nunc pro tunc to March 20, 2020

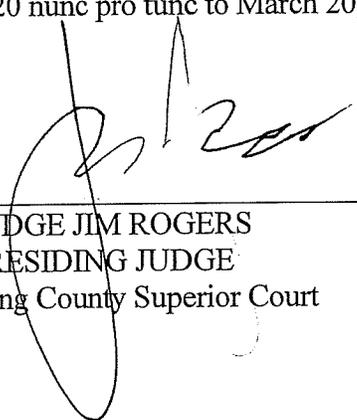
19 
20 _____
21 JUDGE JIM ROGERS
22 PRESIDING JUDGE
23 King County Superior Court

EXHIBIT J



PROCLAMATION BY THE GOVERNOR

20-05

WHEREAS, On January 21, 2020, the Washington State Department of Health confirmed the first case of the novel coronavirus (COVID-19) in the United States in Snohomish County, Washington, and local health departments and the Washington State Department of Health have since that time worked to identify, contact, and test others in Washington State potentially exposed to COVID-19 in coordination with the United States Centers for Disease Control and Prevention (CDC); and

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person; and

WHEREAS, The CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as “high”, and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

WHEREAS, On January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19, beginning on January 27, 2020; and

WHEREAS, The CDC currently indicates there are 85,688 confirmed cases of COVID-19 worldwide with 66 of those cases in the United States, and the Washington State Department of Health has now confirmed localized person-to-person spread of COVID-19 in Washington State, significantly increasing the risk of exposure and infection to Washington State’s general public and creating an extreme public health risk that may spread quickly; and

WHEREAS, The Washington State Department of Health has instituted a Public Health Incident Management Team to manage the public health aspects of the incident; and

WHEREAS, The Washington State Military Department, State Emergency Operations Center, is coordinating resources across state government to support the Department of Health and local officials in alleviating the impacts to people, property, and infrastructure, and is assessing the magnitude and long-term effects of the incident with the Washington State Department of Health; and

WHEREAS, The worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and Washington State significantly impacts the life and health of our people, as well as the economy of Washington State, and is a public disaster that affects life, health, property or the public peace.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists in all counties in the state of Washington, and direct the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the outbreak.

As a result of this event, I also hereby order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Signed and sealed with the official seal of the state of Washington this 29th day of February, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-25

STAY HOME – STAY HEALTHY

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, and 20-24, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, there are currently at least 2,221 cases of COVID-19 in Washington State and, tragically, 110 deaths of Washingtonians associated with COVID-19; and

WHEREAS, models predict that many hospitals in Washington State will reach capacity or become overwhelmed with COVID-19 patients within the next several weeks unless we substantially slow down the spread of COVID-19 throughout the state; and

WHEREAS, hospitalizations for COVID-19 like illnesses are significantly elevated in all adults, and a sharply increasing trend in COVID-19 like illness hospitalizations has been observed for the past three (3) weeks; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim: that a State of Emergency continues to exist in all counties of Washington State; that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended; and that Proclamations 20-05, 20-07, 20-11, 20-13, and 20-14 are amended and superseded by this Proclamation to impose a Stay Home – Stay Healthy Order throughout Washington State by prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations provided herein.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, and to implement the Stay Home—Stay Healthy Order described above, I hereby impose the following necessary restrictions on participation by all people in Washington State by prohibiting each of the following activities by all people and businesses throughout

Washington State, which prohibitions shall remain in effect until midnight on April 6, 2020, unless extended beyond that date:

1. **All people in Washington State shall immediately cease leaving their home or place of residence except: (1) to conduct or participate in essential activities, and/or (2) for employment in essential business services.** This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

To implement this mandate, I hereby order that all people in Washington State are immediately prohibited from leaving their home or place of residence except to conduct or participate in (1) essential activities, and/or (2) employment in providing essential business services:

- a. **Essential activities** permitted under this Proclamation are limited to the following:
 - 1) **Obtaining necessary supplies and services** for family or household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, and products necessary to maintain safety, sanitation and essential maintenance of the home or residence.
 - 2) **Engaging in activities essential for the health and safety** of family, household members and pets, including things such as seeking medical or behavioral health or emergency services and obtaining medical supplies or medication.
 - 3) **Caring for** a family member, friend, or pet in another household or residence, and to transport a family member, friend or their pet for essential health and safety activities, and to obtain necessary supplies and services.
 - 4) **Engaging in outdoor exercise activities**, such as walking, hiking, running or biking, but only if appropriate social distancing practices are used.
- b. **Employment in essential business services** means an essential employee performing work for an essential business as identified in the "[Essential Critical Infrastructure Workers](#)" list, or carrying out minimum basic operations (as defined in Section 3(d) of this Order) for a non-essential business.
- c. **This prohibition shall not apply to** individuals whose homes or residences are unsafe or become unsafe, such as victims of domestic violence. These individuals are permitted and urged to leave their homes or residences and stay at a safe alternate location.
- d. **This prohibition also shall not apply to** individuals experiencing homelessness, but they are urged to obtain shelter, and governmental and other entities are strongly encouraged to make such shelter available as soon as possible and to the maximum extent practicable.

- e. For purposes of this Proclamation, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.
2. **All people in Washington State shall immediately cease participating in all public and private gatherings and multi-person activities for social, spiritual and recreational purposes, regardless of the number of people involved, except as specifically identified herein.** Such activity includes, but is not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities. This prohibition also applies to planned wedding and funeral events. This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

To implement this mandate, I hereby order that all people in Washington State are immediately prohibited from participating in public and private gatherings of any number of people for social, spiritual and recreational purposes. **This prohibition shall not apply to** activities and gatherings solely including those people who are part of a single household or residential living unit.

3. **Effective midnight on March 25, 2020, all non-essential businesses in Washington State shall cease operations except for performing basic minimum operations. All essential businesses are encouraged to remain open and maintain operations, but must establish and implement social distancing and sanitation measures established by the United States Department of Labor or the Washington State Department of Health Guidelines.** This prohibition shall remain in effect until midnight on April 8, 2020, unless extended beyond that date.

To implement this mandate, I hereby order that, effective midnight on March 25, 2020, all non-essential businesses in Washington State are prohibited from conducting all activities and operations except minimum basic operations.

- a. **Non-essential businesses** are strongly encouraged to immediately cease operations other than performance of basic minimum operations, but must do so no later than midnight on March 25, 2020.
- b. **Essential businesses** are prohibited from operating under this Proclamation unless they establish and implement social distancing and sanitation measures established by the United States Department of Labor's Guidance on Preparing Workplaces for COVID-19 at <https://www.osha.gov/Publications/OSHA3990.pdf> and the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>.
- c. **This prohibition does not apply to** businesses consisting exclusively of employees or contractors performing business activities at their home or residence, and who do not engage in in-person contact with clients.

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05 AND 20-25**

**20-25.1
EXTENDING STAY HOME – STAY HEALTHY
TO MAY 4, 2020**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, 20-37, 20-38, and 20-39, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25, Stay Home – Stay Healthy, prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and is a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, since Proclamation 20-25 was issued on March 23, the number of confirmed cases and deaths in Washington State has more than doubled, and there are currently at least 5,984 cases of COVID-19 in Washington State with 247 associated deaths; and, furthermore, models predict that many hospitals in Washington State will reach capacity or become overwhelmed with COVID-19 patients within the next few weeks unless we significantly slow its spread throughout the state; and

WHEREAS, hospitalizations for COVID-like illnesses have been sharply increasing for the past month, and a large surge in the number of serious COVID-19 infections will compromise the ability of our health care system to deliver necessary health care services; and

WHEREAS, these conditions necessitate that to protect the health and safety of all Washingtonians, the stringent restrictions imposed on the people of Washington State in Proclamation 20-25 must be continued until May 4, 2020; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamation 20-25 (Stay Home – Stay Healthy) is amended to extend all of its provisions and each expiration date therein to 11:59 PM on May 4, 2020. All other provisions of Proclamation 20-25 shall remain in full force and effect.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

EXHIBIT K

DEPENDENCY & COVID 19 MEETING MINUTES

Date: Friday, April 3, 2020

Time: 9:30 – 10:00 am

Conference Call

In Attendance

| Judge Berns | Danielle Anderson | Beth Freeman | Jana Heyd | Michael Griesedieck | Stacy Keen | Mary Li | Jamie Perry | Jorene Reiber | Desiree Rollins | Nishi Shankar | Colleen Shea-Brown | Tara Urs |

DJA

Beth Freeman and Danielle Anderson raised the issue of receiving and marking exhibits as the clerk's office moves to remotely recording the record. Quite often parties submit previously filed orders as exhibits and are easily accessed by the clerk. The question is how to handle new exhibits coming in when parties are appearing by phone. Judge Berns reported that there is a small court committee working on this issue. This has come up and it was handled by the party email the exhibit to the bailiff, the bailiff printing a copy and submitting it to the clerk. Judge Berns expressed added that this was fine because the exhibit was only a couple of pages, but would be problematic with a voluminous exhibit. It was agreed that open communication will be necessary during this time until there is a solution.

Emergency Motions

Judge Berns reminded that there is a 3 pm deadline to request an emergency hearing. This deadline is necessary so that court staff have sufficient time to process calendars and working papers, transmit that information to judges and arrange for any needed coverages. The court is allowing parties to provide oral testimony if there is not enough time to file a response.

As indicated in last week's meeting, emergency motions are to address immediate safety and health issues regarding the youth. The court has seen motions that do not meet that standard. An emergency hearing should begin with the court deciding whether this is truly an emergency and whether it will proceed. The dependency judges are discussing whether they will begin prescreening motions to determine if it meets the current emergency standards. More information to be provided in the next week.

If it is determined that a hearing is not an emergency and the motion will not be heard an order should be entered. The court acknowledges that something that may be dismissed as non-emergent now could be an emergency later as circumstances in a case change and the orders should be entered without prejudice.

72 Hour Shelter Care Hearings

SENDING TO A SECOND JUDGE

Judge Berns inquired whether it is helpful to have a second courtroom available to hear a 72 so that parties do not have to wait around, especially those appearing in person. Supervisors reported that they are doing their best to have additional attorneys appear and the more notice they receive about a hearing the better they are able to try to make those accommodations. Tara Urs added that their attorneys are trying to work with the parents as much as possible in advance but sometimes they still need to appear in person, and will direct the parent on that.

Judge Berns indicated that there is the possibility that hearings will be held remotely and so there may not be anyone in the courtroom.

ISSUES WITH TRANSPORT OF INCARCERATED PARENTS

Judge Berns informed that court staff continue to JAMMA parents in our jurisdiction, but the court has no control over DAJD and their current emergency procedures and if or how they transport parents to court. Tara Urs indicated that there is a concern about clients being transported to 1201 and meeting the client in a small room with other people.

DEVIATIONS FROM DCYF DAYS DURING COVID 19

Judge Berns advised that it does not make sense to hold 72s to their specific DCYF days at this time. In Seattle those can be scheduled Monday through Friday. In Kent those can be set on Tuesdays and Thursdays, with one 72 allowed to be set on the Monday overflow. Desiree Rollins added that they are doing their best to spread the 72s out so there aren't three on one day and none on the other. Mary Li noted that filings for March were down significantly.

Good of the Order

- Jana Heyd asked about any changes to the interpreters. Judge Berns informed that interpreters are appearing by phone and that hearings are taking more time.
- Jana Heyd indicated that are still taking referrals for any paternity testing.

EXHIBIT L

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF STATEWIDE RESPONSE) ORDER RE: DEPENDENCY
BY WASHINGTON STATE COURTS TO THE) AND TERMINATION CASES
COVID-19 PUBLIC HEALTH EMERGENCY)
_____) NO. 25700-B-614

WHEREAS, in light of the novel coronavirus (COVID-19) pandemic, on March 18, 2020, the Court entered Order No. 25700-B-606, paragraph 14 of which indicated the Court would consider additional proposals regarding dependency and termination matters; and

WHEREAS, on March 26, 2020, Governor Jay Inslee issued Proclamation 20-33 and Directive 20-02 regarding in-person visits with children in foster care and remedial services; and

WHEREAS, on March 27, 2020, The United States Department of Health and Human Services Children's Bureau issued guidance concerning the appropriate handling of child welfare matters during the COVID-19 pandemic; and

WHEREAS, the Court has received requests by the Office of Public Defense and the Office of Civil Legal Aid to adopt a statewide Order to ensure consistency of practice and due process rights of parents and children during the present COVID-19 public health emergency; and

WHEREAS, the Court has received and reviewed responses to these requests from the Attorney General's Office and the Department of Children, Youth, and Families as well as the Superior Court Judges Association;

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. Shelter care hearings are emergency matters. Between now and through May 5, 2020, courts and 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. These efforts shall include working together to address alternative means of providing and accepting discovery, client contact information, and pleadings.
2. Nothing in this order alters the rights of parents under RCW 13.34.090. Attorneys for the parent(s) and the child(ren) must be given contact information for the client and a copy of the dependency petition in order to allow an opportunity to review the supervising agency records prior to the hearing.
3. Juvenile courts shall undertake an individualized determination at as early a time as is practicable whether appointment of an attorney is indicated under the criteria and considerations set forth in *In re Dependency of E.H.*, 191 Wn.2d 872, 427 P.3d 587 (2018), and shall enter findings on the record regarding decisions of whether to appoint attorneys for children in such cases.
4. When contested matters are not heard in person, the Court must allow the parents and children the opportunity to speak confidentially with their attorneys prior to cross-examination of witnesses.
5. Courts have the authority to determine that any hearing in a dependency case is an emergency matter, depending on the facts and circumstances of that case, except that shelter care hearings are emergency matters pursuant to Section 1 of this order.
6. No default orders for dependency fact-findings, termination fact-findings, or Title 13 guardianship fact-findings shall be entered until after May 5, 2020, if these involve

personal service and in-person court appearances that would jeopardize public health and safety.

7. While in general video or other forms of virtual visitation may serve on a temporary basis to preserve family connections during the time of the public health emergency as described in the Governor's Proclamations, such visitation will not be sufficient in some cases, because it cannot be accessed by the parent or child, or both, and the disruption/denial of visitation will not be in the best interests of the child. If, pursuant to the Governor's Proclamation 20-33 and Directive 20-02, DCYF modifies in-person visits between children and their parents or children and their siblings, DCYF will notify the parties of any modification, the child if 12 or older or their counsel if represented, and the CASA/Guardian ad Litem. Upon motions by a parent or child seeking in-person visits, courts should consider whether such motions present an emergency, and if they do present an emergency, hear them by remote means if possible. Courts should rule on motions seeking in-person visits based on the relevant facts of the case, the relevant dependency statutes, case law, Governor's Proclamations and Directives, guidance from the United States Department of Health and Human Services Children's Bureau, public health risks resulting from exposure to COVID-19, the child's age and developmental level, the feasibility of in-person and remote visitation, functional capacity of the parent and child, the child's best interests, and the child's health, safety, and welfare. Any court-ordered in-person visitation shall mandate the specific health, safety and welfare protocols that must be followed.
8. As the COVID-19 emergency has caused some service delivery to be disrupted, courts are encouraged to consider whether parents were out of compliance with their services plans due to the COVID-19 emergency, and whether such plans shall be extended.

ORDER RE: DEPENDENCY AND TERMINATION CASES

9. Exceptional reasons pursuant to RCW 13.34.070(1) exist to continue all dependency fact-finding hearings that are set between now and May 5, 2020, unless an agreed order of dependency is entered by telephone, video, or other means that do not require in-person attendance.
10. For hearings set between now and May 5, 2020, juvenile courts may find that the COVID-19 pandemic is a basis to find a good cause exception under RCW 13.34.145(5)(a) not to order the Department of Children, Youth, and Families to file a petition to terminate parental rights.
11. Nothing in this order prevents courts from developing and implementing jurisdiction-specific procedures that meet the directives outlined herein.
12. The Supreme Court may extend the time frames in this Order as required by continuing public health emergency, and if necessary, will do so by further order.

DATED at Olympia, Washington this 3rd day of April, 2020.

For the Court


CHIEF JUSTICE

EXHIBIT M

JAY INSLEE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

**PROCLAMATION BY THE GOVERNOR
EXTENDING PROCLAMATIONS 20-08 AND 20-09**

20-09.1

Statewide K-12 School Closures

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, 20-37, 20-38, 20-39, 20-40, 20-41, and 20-42, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, as a result of increasing rates of COVID-19 related infections, hospitalizations and death, I issued Proclamation 20-25.1 on April 2, 2020, extending Proclamation 20-25 “Stay Home – Stay Healthy”, continuing the prohibitions on all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein, until May 4, 2020; and

WHEREAS, there are currently at least 7,984 cases of COVID-19 in Washington State with 338 associated deaths, and models predict that many hospitals in Washington State may reach capacity or become overwhelmed with COVID-19 patients within the next few weeks unless we significantly slow its spread throughout the State; and

WHEREAS, to curtail the spread of COVID-19 in Washington State, protect our people from its effects, and reduce the impact on our health care system, it is necessary to continue stringent social distancing and sanitation requirements, restrictions on gatherings and personal interactions, and closure of our K-12 schools statewide; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-08 and 20-09 (Statewide K-12 School Closures) are amended to extend the prohibitions and expiration dates therein, unless modified herein, until 11:59 p.m. on June 19, 2020. All other provisions of Proclamations 20-08 and 20-09 shall remain in full force and effect. Although all prohibitions in 20-08 and 20-09 are extended by this order, the following prohibitions that apply in all counties of the state of Washington are repeated here as a convenience to the reader:

- Each public school district, charter school, and private school is prohibited from conducting in-person educational, recreational, and other K-12 school programs using their school facilities; and
- The Washington Center for Deaf and Hard of Hearing Youth, the Washington School for the Deaf, and the Washington State School for the Blind are prohibited from conducting student educational and outreach services.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive

Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ADDITIONALLY, although all other provisions of Proclamations 20-08 and 20-09 are extended by this order, the following provisions in 20-08 and 20-09 are repeated here as a convenience to the reader:

- Nothing in this order shall be construed as precluding a public school district, charter school, or private school from using their school facilities to provide childcare, nutrition programs, and other social services necessary to preserve and maintain life, health, property or the public peace.
- Further, nothing in this order shall be construed as precluding public school districts, charter schools, or private schools from providing supports to students necessary to meet course and credit requirements for high school graduation.

FURTHERMORE, if a public school or private school determines that the provision of in-person educational services on the premises of a school facility is essential and necessary under state or federal law, nothing in this order precludes the school from providing the services on site. However, schools are prohibited from providing these essential and necessary services unless state Department of Health guidelines for social distancing and proper hygiene practices are followed at all times.

FURTHERMORE, I strongly encourage all K-12 schools subject to this extension of Proclamations 20-08 and 20-09 to continue providing distance learning services through June 19, 2020, to the extent reasonably possible.

ADDITIONALLY, consistent with receiving ongoing school apportionment funding, I strongly encourage school districts, and the exclusive representatives of school employees, to continue to work together to ensure distance learning opportunities for all students during the duration of the school closure.

EXHIBIT N

From: [Berns, Elizabeth](#)
To: [Berns, Elizabeth](#); [Freeman, Beth](#); [Griesedieck, Michael](#); jana.heyd@opd.wa.gov; [Keen, Stacy](#); [Li, Mary \(AG\)](#); [Perry, Jamie](#); [Reiber, Jorene](#); [Rollins, Desiree \(DCYF\)](#); [Shankar, Nishi](#); [Colleen Shea](#); [Urs, Tara](#)
Subject: Friday check-in calls
Date: Thursday, April 9, 2020 11:41:54 AM

Good afternoon:

Two weeks ago we initiated Friday check-in calls at the request of various directors/representatives for the purpose of collaborating and problem-solving on emergent issues as we all scramble to deal with rapidly changing emergency proceedings. The Court supports this request as we can do our work more effectively in a crisis when information is shared freely and frequently. Our goal is to serve clients and our public more efficiently and effectively during this crisis. Following the check-in call, meeting minutes are distributed for informational purposes, so key stakeholders are informed of our concerns and our efforts.

Yesterday morning I addressed two emergency motions for in-person visitation. Contained in the parents' motions were segments of conversations from the Friday morning check-in calls. A copy of the meeting minutes was included as an attachment.

I am very concerned to see this information used in court proceedings. Meeting participants are working in good faith to raise issues and brainstorm about possible short-term solutions. It is not appropriate for participants to use the meeting and the minutes to garner support for legal strategies and to support those strategies with these discussions. It is a breach of trust without an understanding of all participants that the discussions are fair game for any use.

Given this concern, the Court is not willing to participate without a shared understanding of how the discussions are to be used vis-à-vis court proceedings. If these conversations are public, the Court is put in the untenable position of not being able to candidly discuss issues or work toward creative solutions in this uncharted territory. I suspect that if the understanding is that all discussions are subject to court filings, it also would negatively affect what others are willing to share.

Until these concerns are appropriately resolved so that these conversations are not opportunistically used by individuals, the Court will not be able to continue its participation. In the interim, issues of concern to parties may be communicated according to our standard protocol.

EJB

Judge Elizabeth J. Berns
King County Superior Court
Lead Dependency and Family Treatment Court Judge
King County Courthouse
[516 Third Avenue](#), C-203
[Seattle, Washington 98104](#)
[206-477-1477](tel:206-477-1477)

EXHIBIT O

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF STATEWIDE RESPONSE) REVISÉD AND EXTENDED
BY WASHINGTON STATE COURTS TO THE)
COVID-19 PUBLIC HEALTH EMERGENCY) ORDER REGARDING COURT
)
) OPERATIONS
)
) No. 25700-B-615

WHEREAS, on February 29, 2020, Governor Inslee proclaimed a state of emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington; and on March 13, 2020, President Trump declared a national emergency due to the COVID-19 outbreak across the United States; and

WHEREAS, during this state of emergency, the Centers for Disease Control and Prevention and the Washington State Department of Health have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public spaces; and

WHEREAS, consistent with these recommendations, Governor Inslee issued and extended a “Stay Home, Stay Healthy” order directing non-essential businesses to close, banning public gatherings, and requiring Washingtonians to stay home except to pursue essential activities through at least May 4, 2020; and

WHEREAS, many court facilities in Washington are ill-equipped to effectively comply with social distancing and other public health requirements and therefore continued

in-person court appearances jeopardize the health and safety of litigants, attorneys, judges, court staff, and members of the public; and

WHEREAS, pursuant to this Court's orders on March 4 and 18, 2020, many Washington courts have taken important steps to protect public health while ensuring continued access to justice and essential court services, including by strictly observing social distancing measures, holding proceedings remotely, suspending many in-building operations, and promulgating emergency rules as necessary; and

WHEREAS, the coordinated response from Washington courts to prevent the further spread of COVID-19 must be continued beyond the timeframes in this Court's March 18, 2020 order while allowing courts to operate effectively and maintain effective and equitable access to justice; and

WHEREAS, this Court's consultation with trial courts, justice partners and coordinate branches of government confirms the need for further direction from this Court by issuing an order that revises and supersedes the March 18, 2020 order; and

WHEREAS, the presiding judges across Washington need direction and authority to effectively administer their courts in response to this state of emergency, including authority to adopt, modify, and suspend court rules and orders as warranted to address the emergency conditions.

NOW, THEREFORE, pursuant to the Supreme Court's authority to administer justice and to ensure the safety of court personnel, litigants, and the public,

IT IS HEREBY ORDERED:

With Respect to Civil Matters:

1. All civil jury trials are suspended until after May 4, 2020. Trials already in session where a jury has been sworn and social distancing and other public health measures are strictly observed may proceed or, at the discretion of the trial court or agreement of the parties, be continued to a later date.
2. All non-emergency civil matters shall be continued until after May 4, 2020, except those motions, actions on agreed orders, mediations, conferences or other proceedings that can appropriately be conducted by telephone, video or other means that does not require in-person attendance.
3. All emergency civil matters that cannot be continued until after May 4, 2020, must be heard by telephone, video, or other means that does not require in-person attendance, unless impossible. Where court matters must be heard in person, social distancing and other public health measures must be strictly observed.
4. Courts shall continue to hear emergency civil protection order and restraining order matters. Courts must provide an accessible process for filing petitions for civil protection orders and motions for temporary restraining orders, which may include filing petitions in person or remotely. Courts are encouraged to provide alternative means for filing, including electronic filing options whenever possible, especially when the

courthouse is closed to the public or public clerk's office hours are restricted due to the public health emergency.

a. Consistent with the Governor's Proclamation 20-45 (Apr. 10, 2020), requirements for *personal* service of the petition for a protection order or temporary protection order are suspended, except as to orders directing the surrender of weapons or removal of the respondent from a shared residence. Personal service remains preferred, and courts should require personal service by law enforcement when removal of children or change of custody of children is ordered, or in other circumstances where public or individual safety demands it. Where personal service is not required, service may be by law enforcement, including electronic service with acknowledgment of receipt, by process servers, by agreed service memorialized in writing, by publication or by mail. If parties have previously agreed to e-mail service or opted into e-service in the case or other currently open related case, service of temporary protection orders or reissuance/continuance orders by e-mail or e-service shall be sufficient. Before proceeding with a full hearing, the judicial officer must require proof of service five days prior to the hearing.

b. Judicial officers have discretion to set hearing dates and extend temporary protection orders based on the circumstances to reasonably allow for sufficient notice, remote appearance, and presentation of evidence, while avoiding unreasonable delay. Whenever possible, statutory timeframes suspended under Proclamation 20-45 (Apr. 10, 2020) should be followed. Circumstances relevant to the setting of

hearing dates include agreement of the parties, reasonable estimates for completing service, lack of prejudice, and specific findings of good cause, which may include restrictions in place due to the public health emergency. Reissuance orders may be similarly extended. Courts may provide a means for weapons surrender hearings that does not require in-person appearance only when consistent with public safety.

- c. Guidance for courts implementing emergency measures under this section may be found [here](#).
5. With respect to all civil matters, courts should encourage parties to stipulate in writing to reasonable modifications of existing case schedules and methods of service and to conduct discovery by remote means whenever possible. Nothing in this Order requires courts to hear nonemergency civil matters until after May 4, 2020.

With Respect to Criminal and Juvenile Offender Matters:

6. All criminal jury trials are suspended until after May 4, 2020. Trials already in session where a jury has been sworn and social distancing and other public health measures are strictly observed may proceed or be continued if the defendant agrees to a continuance.
7. All **out of custody** criminal and juvenile offender matters shall be continued until after May 4, 2020, except (1) those 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, provided that any such hearings must strictly comply with current public health mandates. Arraignment on **out of custody** criminal and juvenile offender cases filed between March 18, 2020 and May 4, 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 therapeutic court proceedings that can appropriately be conducted by telephone, video or other means that does not require in-person attendance.

8. Courts may enter ex parte no contact orders pursuant to RCW 10.99.040, RCW 10.99.045, RCW 7.92.160, RCW 7.90.150, RCW 9A.46.085, and/or RCW 9A.46.040, when an information, citation, or complaint is filed with the court, either by summons or warrant, and the court finds that probable cause is present for a sex offense, domestic violence offense, stalking offense, or harassment offense. Ex parte orders may be served upon the defendant by mail or by electronic means of service. This provision does not relieve the prosecution of proving a knowing violation of such an ex parte order in any prosecution for violating the order. Good cause exists

for courts to extend ex parte orders beyond the initial period until a hearing can be held.

9. All **in custody** criminal and juvenile offender matters shall be continued until after May 4, 2020, with the following exceptions:
 - a. Scheduling and hearing of first appearances, arraignments, plea hearings, criminal motions, and sentencing or disposition hearings.
 - b. Courts retain discretion in the scheduling of these matters, except that the following matters shall take priority:
 - i. Pretrial release and bail modification motions.
 - ii. Plea hearings and sentencing or disposition hearings that result in the anticipated release of the defendant or respondent from pretrial detention within 30 days of the hearing.
 - iii. Parties are not required to file motions to shorten time in scheduling any of these matters.
10. Juvenile court jurisdiction in all pending offender proceedings and in all cases in which an information is filed with the juvenile court prior to May 4, 2020, in which the offender will reach the age of 18 within 120 days of May 4, 2020, shall be extended to the offender's next scheduled juvenile court hearing after May 4, 2020.
11. A continuance of these criminal and juvenile offender hearings and trials is required in the administration of justice. Based upon the court's finding that the serious danger posed by COVID-19 is good cause to continue

criminal and juvenile offender trials, and constitutes an unavoidable circumstance under CrR 3.3(e)(8), CrRLJ 3.3(e)(8), and JuCR 7.8(e)(7), the time between the date of this Order and July 3, 2020 shall be EXCLUDED when calculating time for trial. CrR 3.3(e)(3), CrRLJ 3.3(e)(3), JuCR 7.8(e)(3).

12. The Court finds that obtaining signatures from defendants or respondents for orders continuing existing matters places significant burdens on attorneys, particularly public defenders and all attorneys who must enter correctional facilities to obtain signatures in person. Therefore, this Order serves to authorize continuing those matters without need for further written orders. Additionally:
 - a. Defense counsel is not required to obtain signatures from defendants or respondents on orders to continue criminal or juvenile offender matters through May 4, 2020.
 - b. Courts shall provide notice of new hearing dates to defense counsel and unrepresented defendants.
 - c. Defense counsel shall provide notice to defendants and respondents of new court dates.
13. Bench warrants may issue for violations of conditions of release from now through May 4, 2020. However, courts should not issue bench warrants for failure to appear in-person for criminal or juvenile offender court hearings and pretrial supervision meetings unless necessary for the

immediate preservation of public or individual safety. Additionally, courts should not issue or enforce bench warrants for juvenile status offenses or violations.

14. Motions for Pre-Trial Release:

- a. Courts shall hear motions for pretrial release in criminal and juvenile offender matters on an expedited basis without requiring a motion to shorten time. Nothing in this section is intended to affect any statutory or constitutional provision regarding the rights of victims or witnesses.
- b. The Court finds that for those identified as part of a vulnerable or at-risk population by the Centers for Disease Control, COVID-19 is presumed to be a material change in circumstances, and the parties do not need to supply additional briefing on COVID-19 to the court. For all other cases, the COVID-19 crisis may constitute a “material change in circumstances” and “new information” allowing amendment of a previous bail order or providing different conditions of release under CrR 3.2(k)(1) or CrRLJ 3.2(k)(1), but a finding of changed circumstances in any given case is left to the sound discretion of the trial court. Under such circumstances in the juvenile division of superior court, the court may conduct a new detention hearing pursuant to JuCR 7.4.
- c. Parties may present agreed orders for release of in-custody defendants and respondents, which should be considered expeditiously.

d. If a hearing is required for a vulnerable or at-risk person as identified above, the court shall schedule such hearing within five days. The court is strongly encouraged to expedite hearings on other cases with due consideration of the rights of witnesses and victims to participate.

15. Courts must allow telephonic or video appearances for all scheduled criminal and juvenile offender hearings between now and through May 4, 2020, unless impossible. For all hearings that involve a critical stage of the proceedings, courts shall provide a means for defendants and respondents to have the opportunity for private and continual discussion with their attorney.

General Provisions for Court Operations:

16. Access to justice must be protected during emergency court operations. Where individuals are required to access the court through remote means, courts must provide no-cost options for doing so or provide a means for seeking a waiver of costs. This provision does not require suspending existing systems for remote filings or hearings that are based on a user-fee model.

17. Courts must provide clear notice to the public of restricted court hours and operations, as well as information on how individuals seeking emergency relief may access the courts. Courts are encouraged to provide such notice in the most commonly used languages in Washington, and to make every effort to timely provide translation or interpretation into other languages

upon request. The [Washington State Supreme Court Interpreter Commission](#) may assist courts in this process.

18. The availability of interpreter services should not be restricted by emergency operations. Interpreting should be done by remote means whenever possible, consistent with [protocols](#) developed by the Washington State Supreme Court Interpreter Commission.
19. Washington courts are committed to protecting rights to public court proceedings. Any restrictions placed on public access to court proceedings due to the public health emergency must be consistent with the legal analysis required under *State v. Bone Club*, 128 Wn.2d 254 (1995) and *The Seattle Times v. Ishikawa*, 97 Wn.2d 30 (1982). Courts should continue to record remote hearings and to make the recording or a transcript part of the record, and should develop protocols for allowing public observation of video or telephonic hearings. Guidance for courts in protecting public court proceedings during emergency operations can be found [here](#).
20. Notwithstanding any provision of GR 30 to the contrary, an electronic signature shall be deemed a reliable means for authentication of documents and shall have the same force and effect as an original signature to a paper copy of the document so signed. For purposes of this Order, “electronic signature” means a digital signature as described in Supreme Court Order No. [25700-B-596](#) (July 16, 2019) and RCW 9A.72.085(5) (repealed); an electronic image of the handwritten signature of an individual; or other

electronic sound, symbol, or process, attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the record, including but not limited to “/s/ [name of signatory]”.

a. To the extent not already authorized, whenever a judicial officer or clerk is required to sign an order, judgment, notification, or other document an electronic signature shall be sufficient;

b. Courts are authorized and are hereby encouraged when practicable to waive by emergency rule or order provisions of GR 30(d) that require: (1) the issuance of a user ID and password to electronically file documents with the court or clerk; (2) that a party who has filed electronically or has provided the clerk with their email address must give consent to accept electronic transmissions from the court.

21. This Court recognizes that there are procedural issues in juvenile, dependency, involuntary commitment, child support, and other matters that may not be encompassed in this Order. Nothing in this Order limits other interested parties in submitting similar orders tailored to the unique circumstances of those matters and any other matters not addressed by this Order. Nothing in this Order prevents courts from following specific emergency plans for such matters, including for Involuntary Treatment Act and dependency matters. Where any provisions of this Order may be interpreted to conflict with any provision of another Supreme Court order

addressing specific case matters, such as dependency and termination matters, the provisions of the more specific order shall control.

22. Nothing in this Order limits the authority of courts to adopt measures to protect health and safety that are more restrictive than this Order, as circumstances warrant, including by extending as necessary the time frames in this Order.
23. The Supreme Court may extend the time frames in this Order as required by 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, and all time frames previously extended to April 24, 2020 may be deemed extended to May 4, 2020. This revised and extended Order supersedes the Supreme Court's March 18, 2020 order (as corrected March 19, 2020) and its March 20, 2020 amended order.

DATED at Olympia, Washington this 13th day of April, 2020.

For the Court

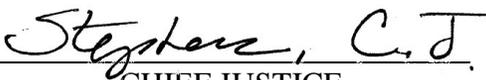

CHIEF JUSTICE

EXHIBIT P

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY
JUVENILE DEPARTMENT

IN RE DEPENDENCY OF:

NO. [REDACTED]

[REDACTED]
DOB: [REDACTED]

Minor Child.

ORDER DENYING MOTION FOR
RETURN HOME FOR LACK OF
EMERGENCY

THIS COURT having reviewed mother's emergency motion for return home and all responsive pleadings, and heard oral argument of the parties, hereby declares:

FINDINGS:

[REDACTED] remains in stable relative placement and is in good health. [REDACTED] health and safety are not being threatened by the valid temporary suspension of in-person visits pursuant to the Governor's Directive 20-02 and 20-05. There is no imminent harm or risk identified related to [REDACTED] health or safety. No emergency exists to certify an emergency motion. The substance of the underlying motion for return home was not addressed. The Court's oral ruling shall be incorporated into this decision.

ORDER

Mother's request to have the motion heard on an emergency basis is denied.

DATED this 2nd day of April, 2020.



JUDGE ANNETTE M MESSITT

Presented by:
ROBERT W. FERGUSON
Attorney General

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/s/
SEBASTIAN MILLER
Assistant Attorney General
WSBA #50261

APPROVED FOR ENTRY ONLY

/s/
Meloni Dizon, ACAD
Attorney for Mother, [REDACTED]
WSBA #33530

/s/
Leona Thomas, TDAD
Attorney for Father, [REDACTED]
WSBA #33530

EXHIBIT Q

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SUPERIOR COURT OF WASHINGTON FOR THE COUNTY OF KING
JUVENILE DEPARTMENT

IN RE THE DEPENDENCY OF:

NO. [REDACTED]

[REDACTED]
DOB: [REDACTED]

Minor Children.

ORDER ON CONTESTED
EMERGENCY MOTION
on VISITATION

THIS MATTER, having come on before the court on the Mother's Emergency Motion to Reinstate In-Person Visits, and the court having reviewed the foregoing Motion and any responsive pleadings, heard argument of the parties, if any, and being familiar with the records and files herein:

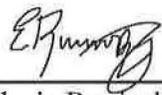
1. A hearing was held on 4/08/2020 and the following persons appeared:

- Mother - [REDACTED]
- Father - [REDACTED]
- DCYF Social Worker - Unity Harris
- Mother's Lawyer - Elysia Ruvinsky, TDA
- Father's Lawyer - Felicia Wartnick for Gail Levy SCRAP
- Asst Atty General - Catherine Carrico

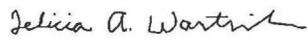
2. The court finds as follows:

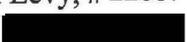
This motion should not be heard on an emergency basis because the mother has not presented an issue that stands out as truly emergent in light of the baseline circumstances facing all families of dependent children in the current state of emergency arising from the COVID-19 virus.

1 Reviewed for entry by:

2 

3 Elysia Ruvinsky, #49988
4 Attorney for the Mother, 

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6 Felicia Wartnik for Gail Levy, # 22087
7 Attorney for the Father, 

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
JUVENILE DEPARTMENT FOR KING COUNTY

IN RE DEPENDENCY OF:

No.

DECLARATION OF DR. JOANNE
SOLCHANY

Minor Child(ren).

I, Dr. JoAnne Solchany, declare that I am over the age of 18 and competent to testify and that the following is true and correct to the best of my knowledge:

- I. I am an Infant Mental Health Specialist, a Child and Adolescent Psychiatric Nurse Practitioner, and hold a PhD through the University of Washington School of Nursing in Parent-Child Relationships. I am a founding faculty member of the Barnard Center for Infant Mental Health at the University of Washington and affiliate faculty in the School of Nursing. I am a graduate Fellow with Zero to Three, the Center for Infant Mental Health in Washington, DC. I am a member of the Advisory Board with the American Bar Association's Infant Mental Health Task Force. I am currently in private practice seeing infants, children, adolescents, and adults in Lynnwood, Washington and I am contracted with multiple agencies including DCYF and OPD to

1 do psychiatric evaluations on parents and children, attachment/bonding evaluations, infant mental
2 health evaluations, parent-child relationship evaluations, and parenting evaluations.

3
4 2. Infants and toddlers entering foster care suffer relationship trauma as they come into care—this
5 trauma comes from that initial separation. Many have previous relationship trauma, as well.
6 These traumas change them—emotionally, psychologically, and physiologically. Research has
7 supported this for decades^{i,ii,iii}; we know continued separation from their parent can add to this
8 trauma. The immediate goal of separation is to provide the child with a stable, safe environment,
9 while their relationship with their parent heals as the parent learns new, better, safer and
10 developmentally supportive ways of providing optimal care for their child. Once that healing
11 begins and that parent is progressing, the goal expands to supporting the child to develop a
12 healthy secure attachment with their parent. Attachment is an integral part of development, the
13 foundation for that attachment starts to be laid down, “brick by brick” throughout infancy and
14 continues to develop and evolve throughout early childhood.

15
16 3. Consistency, predictability, routines, and support of the child-parent relationship through all the
17 senses is incredibly important. When any infant or toddler is separated from their parent, even for
18 a brief time, they have to reunite and “repair” the distress or trauma of that separation—this is
19 developmentally normal and necessary. For our youngest children this occurs continuously, for
20 example every time a parent leaves for work and returns home again. These short, normal
21 separations help children learn that “when my parent is gone they will come back” and
22 experience emotionally that “my parent can sooth my distress and love me”.

23
24 4. When a separation is extended the risks include a child losing that sense of being able to take that
25 parent for granted and experiencing their familiar pattern of reuniting, repairing, and connecting.

1 Research going back into the almost 100 years has taught us that and has shown us how even our
2 youngest infants can become despondent, lethargic, and depressed. Rene Spitz identified infantile
3 depression in the 1930s when children's mothers were separated from them for periods as short as
4 a week. These effects have been demonstrated repeatedly throughout the world. This is additional
5 relationship trauma layered on the trauma already present. Children need that parent to be there
6 and to reconnect regularly. The following points illustrate the critical nature of this:

- 7 a. Young children in the throes of developing a healthy secure attachment depend on
8 routine care, comforting, emotional connections, and sensory connections to build that
9 attachment. For example, when a parent soothes their distressed baby another "brick" is
10 added to that foundation, when they smell the scent of that parent another "brick" is
11 added, or when they search for and find that parent's smile and encouragement another
12 "brick" is added. These critical parent-child interactions provide the scaffolding and
13 "bricks" to construct the needed foundation.
- 14 b. Young children come to "expect" and "take for granted" that a parent will be there and do
15 what they usually do, if those expectations are derailed the child experiences loss,
16 confusion, and often regression. For example, if the child is used to seeing that parent
17 daily and then the parent does not show up, the child experiences changes emotionally,
18 psychologically, and physiologically^{iv,v}. If the parent comes back and gets back on
19 schedule, they then have the opportunity to heal and repair their relationship and get back
20 on track, but when the parent continues to be unavailable the loss leads to further
21 consequences and the child cannot experience the necessary "repair".
- 22 c. Separation from a parent when that relationship is consistent and progressing actually
23 activates the infant or young child's developing attachment system; loss, fear, separation,
24 or anxiety in the infant/toddler causes them to seek out their parent in order to be soothed

1 and comforted. When that occurs, it adds another “brick” in building a healthy
2 attachment^{vi}.

3 d. It is critical to understand that the young child does not just experience these disruptions
4 emotionally or psychologically, these experiences actually cause measurable
5 physiological changes in the child’s nervous system and brain. Young children who are
6 stressed by separation experience changes throughout their bodies. The biobehavioral
7 organization of their primary relationships and developing attachment is impacted and
8 can be seen and measured by increased levels of cortisol, increased heart rate, and
9 respiratory sinus arrhythmia (essentially where the heart rate synchronizes with breathing
10 patterns)^{vii}.

11 e. When the losses and separations for that child accumulate, it can lead to long term
12 detrimental effects, that can follow that child throughout his/her childhood and into
13 adulthood, specifically in the area of emotional/behavioral regulation, coping and
14 relationship skills^{viii}.

15 f. In person visits for parent and child are critical to allow for the conditions, experiences,
16 and closeness between parent and child to continue to support the child-parent
17 relationship, any healing needed in the relationship, and to support the infant’s growing
18 attachment.

19 g. Young children who have any history of trauma need to experience healing within the
20 context of their primary relationships; losing or disrupting those primary relationships
21 can reignite the trauma responses in these children.

22
23 5. The impact of Covid19 has reached into the lives of even the youngest children in our society.
24 Specific measures and restrictions have been put into place to protect individuals and
25 communities. Just as there are “essential” services that need to remain open and “essential”

1 persons who need to continue working and providing services, in person visits/family time should
2 be considered "essential". Babies cannot attend to video interaction in the ways they need to in
3 order to continue to move forward developmentally and to support the healing and progression of
4 the relationships with their parents. Infants and toddlers need to see their parent, they need to
5 smell their parent, they need to feel their parent, they need to be comforted, and they need
6 physical proximity. They need a "3-dimensional" parent.

7
8 6. Young children need their parent in person. Infants are still developing the ability to recognize
9 their mother's face up to about 6 months of age, until they do this they need the whole package—
10 "her face, voice, odor, gestures, touch, characteristic affective tone, how she handles him/her, and
11 even what kinds of interactions she prefers"^{ix} Separation anxiety often sets in between 7-9
12 months; as they continue to develop, the child begins to expand their connections with others—
13 but this is dependent on the success of the connection they had established with their parent
14 during those early months. By around 12 months the child learns to connect more visually, taking
15 for granted they can look back and visually connect with their parent, allowing them to become
16 more self-reliant and adventurous. However, if they get stressed their attachment system activates
17 and they immediately seek out that caregiver through physical connection.

18
19 7. Toddlers are in the throes of learning how to self-regulate, self-calm, cope with intense feelings,
20 manage their impulses and manage their anxieties. They learn these things through parent-child
21 interactions including limit setting, providing of comfort, and having that parent help them put
22 things into words. They have to interact with their parent physically. The toddler begins to take
23 control of their immediate environment but requires their parent to be there to set limits and rules
24 for that control. This, in turn, empowers toddlers as they learn their permitted boundaries and
25 continue to feel safe and contained.

1
2 8. Visitation or family time should not be canceled, it should be modified, as necessary. Neither
3 parents or children should come together if they are sick with symptoms consistent with Covid19.
4 Temperatures can be checked prior to the visit. Both parent and child can meet in a clean space
5 that can be easily disinfected both before and after a visit. Parents can put bring and put on a
6 clean set of clothing immediately prior to the visit, or wear a covering if there are concerns. It is
7 critical for parents to continue to engage in parenting behaviors with their child in person. Visits
8 should be frequent; very young children are still developing object permanence; they cannot
9 make sense separations.

10
11 9. Virtual programs like Skype and Zoom, can be useful in supplementing the visits/family time but
12 should not, and cannot, replace in-person contact for our youngest children. Virtual connections
13 can be set up to at least allow the infant or toddler to see a two-dimensional picture of that parent
14 and hear their voice. It is important to note it can be confusing for some children, 'why can I see
15 my mom but I can't feel her hold me' or 'why can I hear my dad but I can't smell him?' Parents
16 should be supported in communicating in the ways they usually do to sooth and comfort their
17 child and in making routines within these connections i.e. singing a familiar song, reading the
18 same book, doing finger plays, etc. Parents should try to be animated and silly, which helps
19 capture their young child's attention. Even with the best parent virtual show, a young child's
20 attention will not hold long, so frequent, brief visits often work better than trying to do occasional
21 long visits virtually. Building several connections of 10-30 minutes into the child's day in a
22 routine and expected manner can be incredibly supportive and helpful. It will be critical that the
23 adult caring for the child at the time of the connection support and help facilitate that connection.
24 Virtual connections should also include bedtime routines, bath time, or meal routines, where the
25 parent can actually engage in normal and expected parenting practices. The child needs to

1 experience relaxed and fun interactions, normal caregiving opportunities, and structured
2 interactions when possible.

3
4 10. In summary, it is critical that infants and toddlers be able to physically connect with their parent
5 in order to reduce the risk of new or continued trauma or harm to the child, to allow for the
6 continued progression and healing of the relationship between the parent and child, and to
7 facilitate healthy and expected developmental progression within that parent-child relationship.
8 Risks due to Covid19, can be minimized and controlled with modified in person visits. Babies
9 and toddlers cannot wait, development is rapid and continuous—a week in a young child’s life
10 can represent incredible growth and developmental changes. Visits/family time between
11 infants/toddlers and their parents need to be considered “essential.”

12 I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and
13 correct to the best of my knowledge and true belief.

14
15 4-7-20
Date/Place

 PhD ARNP DMAS

16
17 Lake Stevens WA

18 ⁱ Robertson, J. & Robertson, J. (1989) Separation and the very young. Free Association Books.
19 ⁱⁱ Bowlby, J. (1973) Attachment and Loss, Vol. 2: Separation, anxiety and anger. Basic Books.
20 ⁱⁱⁱ Bowlby, J. (1980) Attachment and Loss, Vol. 3: Loss, sadness and depression. Basic Books.
21 ^{iv} Beijers, R., Riksen-Walraven, M., Sebesta, K., & de Weerth, C. (2017) Differential associations between
22 behavioral and cortisol responses to a stressor in securely versus insecurely attached infants. Behavioral Brain
23 Research, 325, 147-155.
24 ^v Roder, E., et al (2020) Maternal separation and contact to a stranger more than reunion affect the autonomic
25 nervous system in the mother-child dyad ANS measurements during SS Procedure in mother-child dyad.
International Journal of Psychophysiology, 147, 26-34.
^{vi} Groh, A. & Narayan, A. (2019) Infant attachment insecurity and baseline physiological activity and physiological
reactivity to interpersonal stress: A meta-analytic review. Child Development, 90(3), 679-693.
^{vii} Groh, A. & Narayan, A. (2019) Infant attachment insecurity and baseline physiological activity and physiological
reactivity to interpersonal stress: A meta-analytic review. Child Development, 90(3), 679-693.
^{viii} Bringgs-Gowan, MJ, et al. (2019) Adverse impact of multiple separations or loss of primary caregivers on young
children. European Journal of Psychotraumatology, 10, #1646965
^{ix} Davies, D. (2004) Child Development, Guilford Press. Pg. 151

EXHIBIT R

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SUPERIOR COURT OF WASHINGTON FOR THE COUNTY OF KING
JUVENILE DEPARTMENT

IN RE THE DEPENDENCY OF:

NO. [REDACTED]

[REDACTED]
DOB: [REDACTED]

Minor Children.

ORDER ON REQUEST
FOR HEARING ON
EMERGENCY MOTION
RE PLACEMENT

THIS MATTER, having come on before the court on the Mother's Emergency Motion to for Return Home, and the court having reviewed the foregoing Motion and any responsive pleadings, heard argument of the parties, if any, and being familiar with the records and files herein, the Court finds as follows:

It is within this court's discretion to determine if the issue on placement raised by this motion is an emergency. The request for hearing on emergency motion is denied because the moving party has not shown that the issue on placement presented is critical to the immediate health and safety of [REDACTED]. The Court incorporates its oral ruling into this order.

THEREFORE, it is hereby **ORDERED, ADJUDGED and DECREED:**

1. The Mother's Request for hearing on her Emergency Motion for Trial Return Home is DENIED.
2. The Court did not reach the merits of the underlying motion.

ORDER ON REQUEST FOR HEARING ON
EMERGENCY MOTION RE
PLACEMENT

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3. All prior orders remain in full force and effect except as modified by this order.

Dated this 9th day of April, 2020.



JUDGE/COMMISSIONER
Annette M. Messitt

/s/ Kate S. Cozby
Presented electronically by:
Kate S. Cozby, #42967
Assistant Attorney General

/s/ Amy King

Amy King
Attorney for Mother

/s/ Christopher Franklin

Christopher Franklin #33988
Attorney for Father

EXHIBIT S

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SUPERIOR COURT OF WASHINGTON FOR THE COUNTY OF KING
JUVENILE DEPARTMENT

IN RE DEPENDENCY OF:

NO. [REDACTED]

[REDACTED]

Minor Child(ren).

ORDER DENYING MOTION TO
CHANGE PLACEMENT

(Clerk's Action Required)

THIS MATTER, having come on before the court on the Youth's Motion to Change Placement, and the court having reviewed the foregoing Motion, heard argument of the parties, if any, and being familiar with the records and files herein, it is hereby:

ORDERED, ADJUDGED and DECREED

Youth's motion to change placement on an emergency basis is denied without prejudice. The court does not find the existence of an emergency and did not reach the merits of the youth's underlying motion.

DATED this 7th day of April, 2020.



JUDGE/COMMISSIONER

Presented by:

Annette M. Messitt

ROBERT W. FERGUSON
Attorney General

By *Electronically signed, Brian Ward, /S/* _____
Brian G. Ward

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Assistant Attorney General
WSBA #45584

**COPY RECEIVED; APPROVED FOR
ENTRY; NOTICE OF PRESENTATION
WAIVED:**



Hannah Gold, WSBA #45516
Attorney for Mother

Roberta Edmiston
Attorney for Youth

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

IN THE MATTER OF THE RESPONSE BY KING
COUNTY SUPERIOR COURT TO THE PUBLIC
HEALTH EMERGENCY IN WASHINGTON STATE

No. 20-0-12050-5

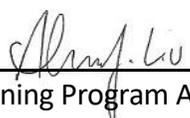
DECLARATION OF SERVICE BY EMAIL

I, Alison Liu, certify and declare that I am over eighteen (18) years of age; and that on the 14th day of April, 2020, I emailed the following documents to King County Superior Court Judges Rogers (monica.gillum@kingcounty.gov), Berns (berns.court@kingcounty.gov), Wiggs-Martin (wiggs-martin.court@kingcounty.gov) and Messitt (messitt.court@kingcounty.gov):

- Motion for Reconsideration of Emergency Order 16 re Dependency Matters
- Declaration of Tara Urs
- Declaration of Service
- Exhibits A-S

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and true belief.

4/20/2020, Issaquah, WA
Date/Place



Alison Liu, Training Program Administrator

King County Superior Court Clerk's Office E Filing Confirmation Receipt

Case Number: 20-0-12050-5 SEA
Case Title: General Admin Policy Orders
Submitted By: Alison Liu
Bar Number:
User ID: AlisonBailey
Submitted Date/Time: 4/20/2020 4:05:43 PM
Received Date/Time: 4/20/2020 4:05:43 PM
Total Cost: \$0.00

DOCUMENTS

Document Type: CERTIFICATE OF COMPLIANCE
File Name: Motion to Reconsider EO 16 Final Draft 3.pdf
Attachment(s): Motion to Reconsider EO 16 Declaration Final Draft 2.pdf
Exhibits A-J.pdf
Exhibits K-S.pdf
Declaration of Service Alison Liu.pdf
Cost: \$0.00

Printed On: 4/20/2020 4:06:23 PM