

IN THE KING COUNTY DISTRICT COURT
FOR THE STATE OF WASHINGTON AND THE CITIES OF ALGONA¹, AUBURN,
BEAUX ARTS, BELLEVUE, BURIEN, CARNATION, COVINGTON, DUVALL,
KENMORE, PACIFIC, REDMOND, SAMMAMISH, SHORELINE, SKYKOMISH, AND
VASHON ISLAND

IN THE MATTER OF THE EMERGENCY) AMENDED EMERGENCY
RESPONSE TO THE THREAT TO PUBLIC) ADMINISTRATIVE ORDER
HEALTH.)
) NO. 20-2022
)

This matter comes before the Court on the public health emergency in King County:

WHEREAS, on February 29, 2020, Washington State Governor Jay Inslee and the Washington State Supreme Court declared a State of Emergency due to the public health emergency posed by the spread of the novel coronavirus (COVID-19);

WHEREAS, although there are now more treatments and a vaccine available to help prevent or mitigate the effects of the novel coronavirus if contracted, COVID-19 and its variants remain highly transmissible and continue to pose serious health risks to certain vulnerable populations and persons who are not vaccinated;

WHEREAS, the Washington State Supreme Court has authorized local courts to enact operational changes and safety protocols consistent with State and local public health guidance;

WHEREAS, the King County District Court is a high volume court with multiple locations throughout the County that provides essential court services to the public and where some persons are also compelled or summonsed to appear in person by court order; and where telecommuting of court staff or remote court hearing participation by jurors, witnesses, attorneys, and other parties is not possible;

WHEREAS, Courts are an independent and essential branch of government integral to a functioning democracy and provide for the orderly and lawful resolution of criminal and civil matters;

WHEREAS, King County District Court is committed to the fair and equal treatment of all persons and to following principles of equity and social justice to ensure

due process and equal access, free of economic or procedural barriers, for all persons, regardless of their circumstances in a safe environment;

NOW, THEREFORE, it is hereby ORDERED:

King County District Court continues to operate under a State of Emergency and the previously issued Emergency Administrative Orders remain in effect. If provisions of a subsequent Order or this Order are inconsistent with prior provisions, the most recent Order controls.

Health and Safety

1. All persons appearing in the King County Jail Court room in downtown Seattle, the Maleng Regional Justice Center GB courtroom, and at the SCORE facility shall continue to be required to wear masks or other appropriate facial covering of the mouth and nose when entering and remaining in those specific courtrooms unless they have a documented precluding health condition or disability, are a child under two (2) years of age, or are allowed to temporarily remove the facial covering at the direction of the courtroom judge when necessary to facilitate effective communication. All persons in these courtrooms shall strictly adhere to all directions and restrictions regarding courtroom capacity limits and seating restrictions.

2. In all other King County District Court courtrooms, the public is strongly encouraged to wear masks or other appropriate facial covering of the mouth and nose when entering and remaining in the courtrooms. All persons are subject to the direction of the courtroom judge who may independently require a facemask be worn. All persons in these courtrooms are strongly encouraged to take advantage of the space provided for social distancing when space to do so is available. All Courtrooms will have masks available to the public upon request.

3. In all other public areas of the Redmond Courthouse, Bellevue Courthouse, Issaquah Courthouse, Auburn Justice Center, Burien Courthouse, Shoreline Courthouse, and Vashon Island Courthouse, all persons over the age of two are strongly encouraged to wear a facial covering. District Court defers to King County Superior Court on the requirement of facial covering in the public areas of the King County Courthouse (Seattle) and the Maleng Regional Justice Center (Kent).

4. All King County District Court Employees are encouraged to continue to wear masks or other appropriate facial covering of the mouth and nose-while in court offices, chambers, or other non-public areas. Employees will continue to follow CDC and local recommendations surrounding masking and isolation for testing positive.

5. Hand sanitizer shall be available in every courtroom, and frequent handwashing is encouraged.

6. ***Persons who are ill, or who have tested positive or who are under quarantine due to recent exposure to a person who has tested positive for COVID, must remain home.*** If signs of illness are detected, you may be refused entry or be asked to leave. Please contact your attorney or call the court at 206-205-9200 to reschedule your court date or jury service.

Persons who wish to request a remote appearance accommodation for a hearing that is scheduled for an in-person appearance should contact their attorney. If unrepresented by counsel, please call 206-205-9200 for instructions on how to submit your request to the court.

Operations

7. All courthouse locations are open to the public during business hours and for all scheduled hearings. Video or telephonic appearances for certain types of hearings remain available (see below). The Court may schedule hearings in courthouse locations other than where the case was filed, when necessary to facilitate court operations or to address public health concerns. *All persons should carefully check their court notice for the scheduled hearing location.*

8. Court Clerk Offices will be open for in-person service Monday through Friday, except holidays, from 8:30 a.m. until 4:00 p.m. but be closed each day from 12:00 p.m. to 1:00 p.m. for lunch. Courthouse lobbies will remain open to the public until at least 4:30 p.m. or until court hearings are concluded for the day if they run past 4:30. Continued staffing challenges or other emergencies may necessitate the temporary closure of a court location's in-person customer service windows. When such closures are required, notice will promptly be posted on the homepage of the King County District Court website. Every effort will be made to accommodate access to emergency court services, and notice of alternate locations for the filing of emergency matters will be posted at the location and/or on the court's website.

9. City of Sammamish and Carnation in-custody: matters will continue to be heard at the Issaquah District Courthouse.

10. City of Algona and Pacific: All City of Algona and Pacific hearings will continue to be scheduled at the Maleng Regional Justice Center in Kent.

11. Call Center Hours: The King County District Court Call Center (206-205-9200) will continue to operate Monday through Friday from 8:30 a.m. to 4:30 p.m. except for holidays.

12. Court Filing by Email – When Permitted: Pursuant to the authority granted by the Washington State Supreme Court Emergency Orders, King County District Court will accept filings **not subject to mandatory e-filing** by email at KCDCCourtFilings@Kingcounty.gov. Filings (except Petitions for Protective Orders) sent to other email addresses will **not be processed and will be returned to the sender for proper filing**. When submitting documents for filing by email, each matter must be sent by separate email and include the defendant or party name, the case number, and the King County District Court location, or it may be returned to the sender. Multiple case filings attached to a single email submission will be rejected and returned to the sender for proper resubmission.

13. Remote and In Person Appearances: Unless specified otherwise in this Order or specified by the judge presiding over the hearing, remote appearances via Zoom video image are permitted. Remote hearings are conducted via Zoom and instructions on how to access your hearing may be found on the King County District Court website or on the information sheet included with the Notice of Hearing.

Whether appearing in person or remotely, all persons should dress in court-appropriate attire and conduct themselves appropriately for a court proceeding. When appearing via video, background images should be court-appropriate and not contain advertising or product/service endorsements. Attorneys may identify themselves as an attorney after their name but may not include any other information or firm name indicating a particular specialty or that could be construed as advertising of a particular service.

When appearing remotely, the court must be able to clearly see (when appearing by video), hear and be heard by the participants or the hearing may be rescheduled for an in-person appearance.

Persons appearing remotely are not permitted to eat, smoke, drive, or engage in other distracting behaviors during court appearances. Parties appearing remotely are requested to keep their video camera off and their microphone muted until their case is called or the court requests the party identify themselves. Non-party persons wishing to remotely view a proceeding must keep their cameras off and their microphones muted unless directed otherwise by the court or court staff. Persons not dressed or acting appropriately will be removed and barred from remote access for the remainder of the day.

a. Paperwork and Signatures

All paperwork must be prepared and reviewed in advance of the scheduled hearing or the judge may require the hearing to be continued to another date.

Court staff is not permitted to make copies of paperwork or to email or deliver paperwork on behalf of parties without specific direction by the judge. If a criminal case Defendant is not present in person for a hearing, copies of all No Contact Orders, Orders to Surrender Firearms, Conditions of Release, Judgement and Sentences, and other court orders pertaining to conditions of release or sentencing shall be mailed to the Defendant at their last known mailing address unless the Defendant agrees on the record to receipt of the documents via email and provides a current email address. All Notices of Hearing shall be mailed to the Defendant at the last known mailing address in every case unless the Defendant is present in-custody or personally present in open court to receive the Notice.

Documents requiring a Defendant's signature in a criminal case must be signed by the Defendant. Attorney and Non-attorney electronic signatures are permitted when executed in accordance with GR 30 and LGR 30 or as permitted in this Order. Copies of documents properly signed by a party shall have the same effect as documents containing original "wet" signatures.

Documents in civil cases, including protection order matters, requiring the signature of a non-attorney party may be electronically signed if authorized pursuant to GR 30 and LGR 30 or if the party whose name is typed on the signature line is available on the record to verify that they signed the document in question. All other required signatures of non-parties or law enforcement on returns of service may be electronically signed as authorized by GR 30, LGR 30, or other State statute.

b. Remote Public Viewing of Live Court Proceedings

King County District Court courtrooms are open to the public during all scheduled hearings. Remote viewing of live court proceedings may also be available via Zoom and can be accessed on the King County District Court website. Persons not behaving appropriately or who do not follow instructions of court staff or the judge will be denied further access. No person is permitted, under any circumstances, to record proceedings while viewing remotely. The court does not record or preserve video images of proceedings conducted via Zoom.

14. CRIMINAL CASE HEARINGS

The following proceedings shall be conducted in person only:

- Criminal Jury or Bench Trials;
- Testimonial Motions;
- Bench Warrant Quash Hearings when the warrant issued is an amount over \$5,000;
- When Ordered or Summoned by the Court to appear in person.

Judges retain the discretion to authorize testimony or remote appearances in individual cases, when appropriate. All motions, findings, and orders authorizing any departure from the presumptive in-person appearance of all parties and witnesses shall be done in writing or on the record in open court.

Prosecutors: Prosecutors may appear in person for all hearings. Prosecutors may appear remotely when permitted by the judge. Prosecutors must appear, in person, for testimonial motions and jury trial. Judges retain the discretion to authorize remote appearances by hearing type or when required in the administration of justice.

Attorneys representing Criminal Case Defendants: Due process requires that attorneys and defendants be able to effectively communicate during court proceedings. Communication can be hindered or cause undue delay to court proceedings when attorneys and their clients are not able to effectively communicate. Attorneys are to take all appropriate steps to ensure that communication with their client is efficient and effective.

Attorneys appearing remotely via Zoom video may display their name and that they are an attorney. No indication of specialty, firm name, or other references that could be construed as advertising are permitted.

Defendants: Defendants in criminal cases may appear in person for all hearings. Remote appearances by Zoom, when permitted, are voluntary. When appearing remotely by Zoom, video images are required except for Pretrial and Jury Trial Readiness Hearings when telephonic appearances via Zoom are also allowed. Appearing by telephone may also be permitted for Community Court, Regional Mental Health Court, Regional Veterans Court, or when authorized by the hearing judge. For all other hearings, Defendants unable to appear remotely with a video image, must appear in person.

City in-custody matters: City in-custody matters shall be conducted via Zoom video from the SCORE and Issaquah jails unless transport to a location is required for a testimonial motion, trial, or in the administration of justice. Persons held on City matters in other King County jail facilities may be transported to court for a non-testimonial hearing when necessary to ensure a defendant's right to a speedy trial or when necessary for the effective administration of justice. Transports for non-mandatory matters should be authorized only when necessary and not just for the convenience of one or both parties. Transport Orders should not be authorized if the transport will interfere with or delay the proceedings of the holding jurisdiction.

State non-testimonial in-custody matters: Parties or victims wishing to address the court regarding conditions of release may appear remotely when arranged and presented on a device by the proffering attorney. Interpreters may continue to appear remotely via video or telephone.

Remote public viewing may not be available during in-custody hearings.

State in-custody defendants will be heard in for all non-testimonial matters in KCJ1 or GB. Defendants will not be transported to other courtrooms except for testimonial motions or trial.

15. **CIVIL CASES**

Unless specified otherwise in this order, civil case hearings may be attended remotely, via Zoom, or in person. Remote attendance via video image is encouraged whenever possible. Persons unable to attend using video may attend in person. Telephonic appearances via Zoom may be allowed at the discretion of the hearing judge.

Civil Bench Trials or Forfeiture Hearings (excluding Small Claim trials) may be conducted remotely in whole or in part at the discretion of the trial judge.

In person attendance is required in the following proceedings:

- Civil Jury Trial;
- Small Claim Trials (not Small Claims Pretrials or mediation);
- When Ordered or Summoned by the Court.

Judges retain the discretion to authorize testimony or remote appearances in individual cases, when appropriate. All motions, findings, and orders authorizing any departure from the presumptive in-person appearance of all parties and witnesses shall be filed in writing or placed on the record in open court.

Small Claim Pretrial Hearings and Mandatory Mediation:

All persons shall appear for Small Claim Pretrials and mandatory mediation remotely via Zoom. Persons appearing at the courthouse location for their hearing will be rescheduled to another date.

Remote Hearings:

Persons appearing remotely for hearings should do so by video unless they do not have the ability to do so, in which case they may appear by telephone via Zoom. Zoom access information for video and telephone hearings is provided with the Notice for Hearing and is also available on the King County District Court website. Persons who appear in person for a Small Claim Pretrial without prior authorization of the court in advance of the scheduled hearing may be rescheduled to another date.

16. Petitions for Protection Orders, and Motions to Modify, Extend, or Recall a Protective Order previously issued by a King County District Court judge may be submitted in person at any King County District Court location or by email at KCDCCorders@kingcounty.gov. Hearings on the Petition may be scheduled in a different courthouse location. Petition forms and instructions can be found on the King County

District Court's website. Interpreter assistance may be requested by calling the clerk at 206-205-9200.

Petitions for Orders of Protection may not be initiated through the e-filing portal. Once a case is filed and scheduled for a hearing, subsequent pleadings, including Affidavits of Service or Declarations, and other Motions may be e-filed. Hearing exhibits such as photographs, copies of text messages, recordings, etc. should not be filed in advance of the hearing.

Remote appearances via Zoom using a video image are permitted for Protection Order Hearings. Petitioners may also appear for Temporary Order hearings by telephone through Zoom if they do not have video capabilities. Parties are also permitted to remotely appear for Full Order Hearings via Zoom if they have video image capabilities, otherwise, an in-person appearance is required. However, if the court finds that a party does not have reasonable access to appear by video image and that requiring them to appear in person will create an undue hardship, the court may authorize the party to appear by telephone if it will not prejudice the other party or the proceeding.

17. Name Changes: Persons petitioning for a name change may appear remotely for their scheduled hearing by Zoom video image ONLY if they previously appeared in person at the courthouse to file their Petition and the clerk was able to verify and copy the Petitioner's government-issued picture identification and other required documentation. Remote appearances by telephone shall not be permitted for any Name Change hearing. Judges retain the discretion to require persons to appear in person for any name change proceeding.

18. Interpreters: Interpreters may appear remotely via Zoom video image unless the interpreter web job specifies otherwise. Interpreters will be asked to appear in person when necessary in the administration of justice to facilitate communication and court efficiency.

19. Probation: Probation intake appointments and Presentence Interviews shall be conducted in person unless otherwise authorized by the court. Return probation appointments scheduled after June 1, 2022, will be conducted in person at the designated probation office location unless otherwise ordered by the court or by probation management when a probation officer is unexpectedly out of the office. Defendants may continue to remotely attend self-help groups, certified treatment classes, Washington State approved DUI Victim Panels, or other available remote participation classes unless the court has ordered otherwise. Remote participation means attending a class with video access that is being conducted live. On-line DUI panels or other On-line classes will not be accepted without the express prior written approval of the court.

20. Passport services remain suspended until such time as it is safe for the court to resume normal operations or alternate methods are created to ensure the safety of those served.

Other Provisions

21. Consistent with the Washington Supreme Court's Emergency Orders and the Governor's COVID-19 related Proclamations, all hearings delayed as a result of this or any prior Washington Supreme Court or King County District Court Emergency Administrative Order, are made for good cause in light of the ongoing health crisis and shall be excluded periods for purposes of Speedy Trial, CrRLJ 3.3, CrRLJ 4.1, IRLJ 2.2, IRLJ 2.4, IRLJ 2.6, and any other applicable court rule.

This Order remains in effect until August 1, 2022, unless rescinded or revised prior to that date and may be extended or modified consistent with the court's continual assessment of the needs of the community and public health guidance.

DATED this 3rd day of June 2022.

A handwritten signature in black ink, appearing to read 'M. York', is written over a horizontal line.

Matthew York
Chief Presiding Judge
King County District Court