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FILED
KING COUNTY WASHINGTON
DEC 01 2020
SUPERIOR COURT CLERK

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KING COUNTY WASHINGTON
OCT 01 2020
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 # 23
RE: JUVENILE OFFENDER
OPERATIONS INCLUDING OUT-OF-
CUSTODY FACT FINDINGS**

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

The King County Superior Court incorporates Emergency Orders 1 through 22 and now enters a revised order regarding procedures governing juvenile offender operations, including out-of-custody Fact Findings, during the public health emergency. **This Order is effective November 25, 2020. Where inconsistent, this Order supersedes all prior Emergency Orders governing juvenile offender operations, including Emergency Order #12.** This Order is in effect until January 11, 2021.

I. FINDINGS

1. The novel coronavirus disease has had an unprecedented impact on our society and court operations. On February 29, 2020, Governor Inslee proclaimed a state of emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington. On March 13, 2020, President Trump declared a national emergency due to the COVID-19 outbreak across the United States.

1 2. In response to the COVID-19 pandemic and public health mandates to reduce in-
2 person gatherings, on March 19, 2020, the Clark Children & Family Justice Center limited juvenile
3 operations to “essential matters” only, which were conducted in one courtroom for approximately
4 45 days, and encouraged virtual participation. *See* In the Matter of the Response by the King
5 County Superior Court to the Public Health Emergency in Washington State, No. 20-0-12050-5,
6 Dkt. No. 12 at 2 (defining “essential matters”). In May 2020, as the situation improved, and
7 consistent with public health guidelines, the Courthouse gradually increased the number and type
8 of hearings it conducted.

9 3. By July 13, 2020, the Juvenile Court was fully operational, running two courtrooms
10 on its traditional geographic basis each morning and afternoon (except for Monday morning when
11 the courtrooms are closed), as well as a third courtroom to address the existing back-log of cases
12 ready to proceed to trial, the Seattle-based ARY-CHINS and Juvenile Drug Court calendars, and
13 the Truancy Calendar as schools reopened. Again, the Juvenile Court encouraged all possible
14 hearings to be conducted remotely.

15 4. As further explained in Emergency Order #22, this Fall, the spread of COVID-19
16 began to accelerate. On November 15, 2020, Governor Inslee issued a new proclamation,
17 imposing new restrictions on social gatherings and other behavior. King County has been
18 significantly impacted by the COVID-19 outbreak, and numbers have risen significantly in the last
19 two weeks. The Governor noted in the Proclamation that “a significant risk factor for spreading
20 the virus is prolonged, close contact with an infected person indoors,” and that “several factors
21 increase the risk for person-to-person COVID-19 transmission,” including: (1) “the more that
22 people and groups interact”; (2) “the longer those interactions last”; (3) “the closer the contact
23 between individuals”; and (4) “the denser the occupancy for indoor facilities.”

24 5. As further explained in Emergency Order #22, on November 20, 2020, Washington
25 Supreme Court Chief Justice Debra Stephens issued a message to all Washington courts,
26 acknowledging the dramatic rise of COVID-19 activity in the State and requesting that all courts

1 3. At that next scheduled hearing, counsel on those matters may raise arguments as to
2 (a) actual prejudice their client may suffer by such a delay (*e.g.*, unavailability of witnesses after
3 January 11), and/or (b) how such a trial could be conducted safely (*e.g.*, consent to witnesses or
4 lawyers appearing by virtual means), and move for an exception to the continuance described in
5 the preceding paragraph. If counsel declines to so move or the Court denies such a motion, then
6 the Court and the parties will reschedule the Omnibus Hearings, Pre-Trial Conference or fact
7 findings as appropriate consistent with this order.

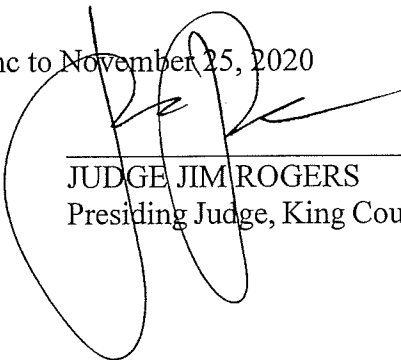
8 4. Balancing the Court's need to maintain public health and safety against the Court's
9 core constitutional obligations to the public, this order does not apply to in-custody offenders
10 awaiting fact finding.

11 5. A continuance of out-of-custody Fact Findings is required in the administration of
12 justice. Based upon the Court's finding that the serious danger posed by COVID-19 is good cause
13 to continue such proceedings, and constitutes an unavoidable circumstance under JuCR 7.8(e)(8),
14 the time between the date of this order and the date of the next scheduled trial date are EXCLUDED
15 when calculating time for trial. JuCR 7.8(e)(8).

16 6. While all juvenile offender Fact Findings have excluded time as a result of this
17 Order, this Court concludes that public health information shall be reviewed, and new findings
18 entered, every fourteen days beginning **December 9, 2020**, on the issue of speedy trial and the
19 issue of unavoidable circumstance, to determine if the coronavirus pandemic has changed
20 sufficiently to modify this order (and begin trials sooner).

21 **IT IS SO ORDERED.**

22 Dated: December 2, 2020, nunc pro tunc to November 25, 2020

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24 _____
25 JUDGE JIM ROGERS
26 Presiding Judge, King County Superior Court