1 2 MAR 13 2020 3 SUPERIOR COURT CLERK 4 5 6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON 7 IN AND FOR KING COUNTY 8 IN THE MATTER OF NO. 20-0-12050-5 THE RESPONSE BY 9 KING COUNTY SUPERIOR COURT TO THE PUBLIC HEALTH **EMERGENCY ORDER #5** 10 **EMERGENCY IN WASHINGTON STATE** REGARDING DEPENDENCY 11 **PROCEEDINGS** 12 13 14 15 16 17 18 19 20 This matter comes before the Court on the public health emergency in Washington State. 21 FINDINGS OF FACT BASED UPON THE PUBLIC RECORD 22 1. On February 29, 2020, Governor Jay Inslee declared a state of emergency due to the 23 public health emergency posed by the coronavirus disease 2019 (COVID-19). 24 25

2. On March 11, 2020, Governor Jay Inslee issued another Proclamation and Order banning gatherings of 250 or more as follows:

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PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATIONS 20-05 AND 20-06 20-07

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, on March 10, 2020, as a result of significant risks from COVID-19 to persons living in congregate care settings, I issued Proclamation 20-06 amending Proclamation 20-05 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, has been confirmed in 9 counties of Washington State resulting in 24 deaths, with significant community spread in King, Pierce, and Snohomish counties; and

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention and the Washington State Department of Health (DOH) recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

WHEREAS, implementation of limitations on large gatherings and use of social distancing prevent initial exposure and secondary transmission to our most vulnerable populations, and are especially important for people who are over 60 years old and those with chronic health conditions due to the higher risk of severe illness and death from COVID-19; and

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Washington State continue 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 and the public peace; and

WHEREAS, the DOH 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 DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

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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 Proclamations 20-05 and 20-06 remain in effect and are amended to impose restrictions on large gatherings in King, Pierce, and Snohomish counties as provided herein, and that a State of Emergency continues to exist in all counties of Washington State. 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 epidemic. As a result of this event, 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 DOH, 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)(b) and RCW 43.06.220(1)(h), to help preserve and maintain life, health, property or the public peace, I hereby prohibit the following activities in King, Pierce and Snohomish counties related to social, spiritual, and recreational gatherings, which restrictions shall remain in effect until midnight on March 31, 2020, unless extended beyond that date: Gatherings of 250 people or more for social, spiritual and recreational activities including, but not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities. Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and scaled with the official seal of the state of Washington on this 11th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

3. On March 11, 2020, King County Public Health Local Health Officer, Dr. Duchin issued the following Order banning groups of smaller than 250 unless certain steps can be taken:

LOCAL HEALTH OFFICER ORDER

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Whereas on February 29, 2020, Governor Inslee proclaimed a state of emergency within the State of Washington due to COVID-19;

Whereas on March 1, 2020, King County Executive Constantine proclaimed a state of emergency within King County due to COVID-19;

Whereas state law, RCW 70.05.070(2)-(3), requires and empowers the local health officer to take such action as is necessary to maintain health and to control and prevent the spread of any contagious or infectious diseases within the jurisdiction:

Whereas state regulation, WAC 246-100-036, requires the local health officer, when necessary, to institute disease control and containment control measures, including social distancing measures he or she deems necessary based on his or her professional judgment;

Whereas, there is evidence of increasing transmission of COVID-19 within King County, scientific evidence and national public health guidance support strategies to slow the transmission of COVID-19 and protect vulnerable members of the public from avoidable risk of serious illness or death resulting from exposure to COVID-19;

Whereas, the age, condition, and health of a significant portion of the population of King County places it at risk for serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, persons with mild symptoms and asymptomatic persons with COVID-19 may place other vulnerable members of the public at significant risk; whereas a large surge in the number of persons with serious infections can compromise the ability of the regional healthcare system to deliver necessary healthcare to the public;

Whereas, the implementation of limitations on large gatherings and use of social distancing decreases the risk of COVID-19 transmission to our most vulnerable populations, and is especially important for people who are over 60 years old and those with chronic health conditions due to the higher risk of severe illness and death from COVID-19;

Whereas, this Order will reduce the likelihood that many individuals will be exposed to COVID-19 at a single event, and will thereby slow the spread of COVID-19 in our community; Whereas, this Order will help preserve critical and limited healthcare capacity in the County by reducing the spread of COVID-19;

Whereas, this Order is issued in accordance with, and incorporates by reference, the March 11, 2020 Governor's Executive Proclamation on COVID-19 Community Mitigation Strategies;

Whereas this Order is issued in light of the existence of 234 cases of COVID-19 (including 26 deaths) in King County, as of March 11, 2020, and a significant and increasing number of assumed cases of community transmission

and at a time when implementation of largescale social distancing measures is 1 recommended; 2 Whereas, social distancing measures can reduce COVID-19 transmission by decreasing the frequency and duration of social contact among persons of all 3 ages, this Order is issued to prevent circumstances often present in mass gatherings that may exacerbate the spread of COVID-19, such as: (a) the increased 4 likelihood that mass gatherings will attract people from a broad geographic area; (b) the a physical environment in which large numbers of people are in close 5 proximity and have multiple opportunities for close contact with one another that 6 facilitates the spread of COVID-19 and; (c) the difficulty in tracing exposure and implementing traditional public health containment measures when large numbers 7 of people attend a single event; Whereas, this Order comes after the release of substantial guidance from 8 Public Health—Seattle & King County, the Centers for Disease Control and 9 Prevention, and other public health officials throughout the United States and around the world. The Local Health Officer will continue to assess this quickly 10 evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19; 11 Whereas, the Local Health Officer hereby finds it is necessary to institute social distancing measures within King County; 12 13 Therefore, as Local Health Officer I ORDER as follows: 14 1. All events of 250 people or more, are prohibited. 2. Events with fewer than 250 attendees are prohibited unless event 15 organizers take the following steps to minimize risk: U Older adults and individuals with underlying medical conditions that are at increased risk of serious 16 COVID-19 are encouraged not to attend (including employees);

Social 17 distancing recommendations must be met (I.e., limit contact of people within 6 feet from each other for 10 minutes or longer);

Employees must be screened for 18 coronavirus symptoms each day and excluded if symptomatic; and \square Proper hand hygiene and sanitation must be readily available to all attendees and employees. 19 3. Environmental cleaning guidelines from the US Centers for Disease Control and Prevention (CDC) are followed (e.g., clean and disinfect high touch 20 surfaces daily or more frequently) For the purposes of this Order, an "event" is a 21 gathering for business, social, or recreational activities including, but not limited to, community, civic, public, leisure, or sporting events; parades; concerts; 22 festivals; conventions; fundraisers; and similar activities. 23 Signed and ordered this day of March 11, 2020, in Seattle, Washington, by 24 Dr. Jeff Duchin Local Health Officer 25 Public Health - Seattle & King County

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- 4. On March 12, 2020, Governor Jay Inslee ordered all schools closed in King, Pierce and Snohomish counties until April 24.
- 5. On March 12, 2020, the Seattle Times published a Gates Foundation study cited by both Governor Inslee and Dr. Duchin, *Working paper-model-hased estimates of COVID-19 burden in King and Snohomish counties through April 7, 2020*, Klein, Hagedorn, Kerr, Hu, Bedford and Famulare; Institute for Disease Modeling; Bill and Melinda Gates Foundation; Fred Hutchinson Cancer Research Institute, March 10, 2020. The conclusions of this study were based upon business as usual; 25, 50, and 75 per cent reduction, from January 15 to April 7. The conclusion of "business as usual" (that is to say, no general orders such as entered by the Governor and Public Health Officer, no banning of large or small groups, no precautions) estimated 25,000 infections and 400 deaths by April 7. On the other hand, mitigation efforts such as announced above could reduce the range of deaths by a significant amount.
- 6. Governor Inslee has explained that the coronavirus doubles the infection rate every five to seven days. Some estimates say that by end of April, the infection rate could be one million, without mitigation.

CONCLUSIONS OF LAW

1. On March 4th, 2020, Chief Justice Debra Stephens entered an Emergency Order that states, in part, as follows:

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

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 a	
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2. It is necessary to suspend certain rules involving Dependency proceedings	;
13 involving in-person appearances. This includes rules JuCR 2.1-3.9.	÷
14 3. Any dependency or termination trial already assigned for trial on Monday	the 16 th
will proceed as scheduled, unless the judge hearing the case indicates otherwise.	
4. All other dependency and termination trials in a standby, pending or upco	ming
status are continued through April 24 th , 2020, with an effective trial continuance date of A	April 27 th .
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19 2020.	
5. Case specific trial dates thereafter will be determined by the Lead Dependent	ency
21 Judge.	
22 6. The following hearings will be In Person	
a. 72 Hour Shelter Care	
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7. The following hearings will be Telephonic Only	

1 2 3	 a. Emergency Motions (immediately critical to child safety and health) b. Disposition Hearing (at the discretion of the Lead Dependency Judge) c. Pretrial Hearings (* Kent will continue to be heard on Monday afternoon) d. TOPs e. Preliminary Hearings
5	8. The following motions will be decided without oral argument
6	a. 30 Day Shelter Care Hearings
7	b. Motions
8	c. Initial Progress Review d. Permanency Planning Hearing
9	e. Review Hearing
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11	Dependency Mediations and Settlement Conferences are suspended until further
12	notice.
13	9. This Order is in place until April 24, 2020 and shall be reviewed before the last
14	effective date in light of the public health emergency as it then exists.
15	It is so Ordered
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17	March 13, 2020
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21	Hon. Jim Rogers, Presiding Judge King County Superior Court
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