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**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KITSAP COUNTY**

IN RE THE KITSAP COUNTY
COURTHOUSE AND THE PANDEMIC
OUTBREAK OF THE CORONAVIRUS
DISEASE 2019 (COVID-19)

No. 2020-2

**EMERGENCY ADMINISTRATIVE
ORDER RE DEPENDENCY COURT**

THIS ADMINISTRATIVE ORDER is being issued in response to the current pandemic outbreak of the Coronavirus Disease 2019 (COVID-19).¹ Washington has been “ground zero” for this disease.

Although for many this disease appears to cause only flu-like symptoms, for others it can pose a serious and potentially lethal risk as exhibited by the increasing number of Washington deaths currently attributed to the disease. Governor Inslee also declared a state of emergency and has banned most events with more than 250 people. It has been declared that all Washington elementary and secondary schools will be closed through April 24, 2020.

¹ Hereafter “disease.”

1 Kitsap County Superior Court² has consulted with the Kitsap County Health
2 Department³ concerning the current status of the disease as well as recommendations the
3 Health Department has made to attempt to contain and mitigate the spread of the disease.
4

5 On March 4, 2020, the Washington Supreme Court adopted Order No. 25700-B-
6 602 granting emergency authority to the presiding judges of all Washington courts to
7 “adopt, modify, and suspend court rules and orders, and to take further actions concerning
8 court operations, as warranted to address the current public health emergency.”
9

10 Given the significant number of identified and projected cases of the disease in
11 Washington, the severity of the risk posed to the public, the recommendations of the Health
12 Department, and the authority granted by Order No. 25700-B-602, the current situation
13 demands immediate action by the Courts.
14

15 NOW, THEREFORE, it is hereby –

16 **ORDERED** that effective immediately and until further Order of the Courts –

- 17 1. All dependency and termination trials in a standby, pending or upcoming status are
18 continued through April 24th, 2020, with an effective continuance date of April 27th, 2020.
- 19 2. Case specific trial dates thereafter will be determined by the Court Scheduler.
- 20 3. The following hearings will be **In Person**:
 - 21 a. Preliminary Appearances
 - 22 b. Continued Shelter Care hearings
 - 23 c. Termination and Dependency Response hearings, and all other hearings where
24 service was previously done through publication.
- 25 4. The following hearings will be **Telephonic Only**:
 - 26 a. Emergency Motions (immediately critical to child safety and health)
27

28
29 ² Hereafter “Courts.”

30 ³ Hereafter “Health Department.”

1 b. Pretrial hearings including case settings, first set fact findings, and other trial
2 status hearings.

3 5. The following hearings will be decided **without oral argument**:

4 a. Non-emergency Motions

5 b. Permanency Planning Hearings and Dependency Reviews

6 6. The procedure for hearings decided without oral argument is as follows:

7 a. For all dependency reviews and permanency plan hearings:

8 i. The Attorney General's Office will send an email to each party of record.
9 This shall include each parent's attorney, each child's attorney, the GAL and
10 CSA, and tribal representatives, if any of these parties are involved in the
11 case. This email shall state the Attorney General's position regarding what
12 the findings of compliance and progress should be for each parent, what the
13 recommendation is for the permanency plan is if applicable, and when the
14 next date should be set.

15 The Attorney General's Office shall send this email out by Wednesday at
16 4:30 p.m. for all hearings to be heard the following Monday, and by Friday
17 at 4:30 p.m. for all hearings to be heard the following Wednesday.

18 ii. Any party wishing to provide an opposing view shall respond to all
19 parties copied on the email. This response shall include a summary of the
20 contrary position and any supporting argument. For hearings set on a
21 Monday, this response shall be provided by 4:30 p.m. the Thursday before,
22 and for hearings set on a Wednesday, this response shall be provided by
23 4:30 p.m. the Monday before.

24 iii. The Attorney General's Office shall submit any final argument to all
25 parties copied on the email by 4:30 p.m. on Friday for hearings set on
26 Monday, and by 4:30 p.m. on Tuesday for hearings set on Wednesday. The
27 Attorney General's Office shall then forward this email that includes all
28 parties' comments to the designated clerk by 4:30 p.m. the court day prior to
29 the hearing.

1 iv. At the designated hearing time the Court shall review the case file, all
2 applicable reports, and the email outlining all parties' positions. The Court
3 shall then issue a written order outlining the Court's ruling which shall be
4 distributed to all parties.

5 v. If the Court believes the argument or issues presented warrant further
6 oral argument, the Court may continue the hearing out for further hearing to
7 a date to be determined.

8 b. For all motions:

9 i. The party bringing the motion shall send an email to all parties in
10 compliance with 6.a.i above.

11 ii. Any party wishing to provide an opposing view shall respond pursuant to
12 6.a.ii above.

13 iii. The party bringing the motion shall submit any final argument pursuant
14 to rule 6.a.iii above.

15 iv. The Court shall review the order pursuant to rule 6.a.iv-v above.

16 c. For the April 1, 2020 Legally Free and Extended Foster Care calendar:

17 i. The Attorney General's Office will send an email to each party of record.
18 This shall include, each child's attorney, the GAL and CSA, and tribal
19 representatives, if any of these parties are involved in the case. This email
20 shall state the Attorney General's position regarding what the findings of
21 compliance and progress should be for the child, what the recommendation is
22 for the permanency plan is if applicable, and when the next date should be
23 set.

24 The Attorney General's Office shall send this email out by Friday, March 27,
25 2020, at 4:30 p.m.

26 ii. Any party wishing to provide an opposing view shall respond to all parties
27 copied on the email. This response shall include a summary of the contrary
28 position and any supporting argument. This response shall be provided by
29 4:30 p.m. on Monday, March 30, 2010.
30

1 iii. The Attorney General's Office shall submit any final argument to all
2 parties copied on the email, and to the designated clerk by 4:30 p.m. on
3 Tuesday, March 31, 2020.

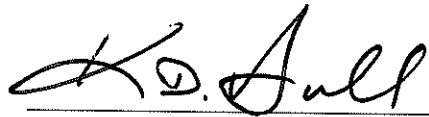
4 iv. The Court shall review the order pursuant to rule 6.a.iv-v above.

5 7. Parties with currently scheduled Settlement Conferences shall contact the Court Scheduler
6 by Noon one court day prior to the scheduled Settlement Conference. The Court Scheduler
7 may continue or confirm any Settlement Conferences as necessary.

8 8. This Order is in place until April 24, 2020 and shall be reviewed before the last effective
9 date in light of the public health emergency as it then exists.

10 Kitsap County Superior Court remains open.

11 DATED – March 16, 2020

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15 KEVIN D. HULL, Presiding Judge
16 Kitsap County Superior Court