

RECEIVED FOR FILING
KITSAP COUNTY CLERK

MAY 07 2020

ALISON H. SONNTAG

KITSAP COUNTY SUPERIOR COURT
STATE OF WASHINGTON

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

No. 2020-20

EMERGENCY ADMINISTRATIVE ORDER
RE: THIRD ORDER REGARDING
DOMESTIC RELATIONS CASES (FIRST
AMENDED – EMAIL CORRECTION)

THIS ADMINISTRATIVE ORDER is being issued in response to the current pandemic outbreak of the Coronavirus Disease 2019 (COVID-19).

Given the significant number of identified and projected cases of the disease in Washington, the severity of the risk posed to the public, the recommendations of the Health District, Governor Inslee’s “Stay Home, Stay Healthy” Orders and the and the authority granted by Supreme Court Orders 25700-B-602, 25700-B-606, 25700-B-607, 25700-B-615 and 25700-B-618 the current situation demands immediate action by the Courts.

NOW, THEREFORE, it is hereby ORDERED that effective immediately and until further Order of the Court –

1. **Previous Orders-** All previous Emergency Administrative Orders and Correspondence issued by this Court remain in full effect except where modified below. Specifically, Emergency Administrative Order 2020-12 remains in effect re: digital signatures.
2. **Ex Parte Calendars-** emergency matters may be brought on the *ex parte* calendar at 8:30 a.m. This calendar should be accessed remotely unless it is impossible to do so. The parties must follow the Clerk’s office guidance for checking in and providing documents to the court, as set forth by the attached Kitsap County Clerk’s Office correspondence.
3. **Agreed Orders/ Uncontested Orders-** Agreed or uncontested Orders may be emailed to SuperiorCourt@co.kitsap.wa.us for signature.

4. **Contested Family Law Motions, Motions for Default, Motions to Compel Discovery-**

- a. **How Initiated.** All motions shall be docketed by filing a Note for Hearing at least fourteen (14) calendar days before the hearing, simultaneously with a Motion and Notice of Hearing and any supporting pleadings, unless this is a re-note of a motion or notice for hearing previously filed, in which event only the Note for Hearing shall be filed. The Note for Hearing shall include the applicable Zoom or telephonic appearance information. The hearing shall be heard on the basis of affidavit and/or declaration.
- b. **Counter Motions.** In the event there is an existing motion or adequate cause hearing and the responding party wishes to file a counter motion to be heard the same date they may do so without leave of the court by filing a Note for Hearing, Motion and any supporting pleadings, as long as the counter motion and all supporting pleadings are filed and served a minimum of fourteen (14) calendar days before the hearing.
- c. **Notice and Hearing.** Copies of the motion, counter motion, Note for Hearing, together with all supporting documents including affidavits, declarations, exhibits, and any other materials to be considered by the court, shall be served on all counsel and any self-represented party at least fourteen (14) calendar days before the hearing.
- d. **Responsive Affidavits.** Response documents, including briefs or memoranda, if any, shall be filed with the Clerk and copies served on all parties and attorneys no later than 5:00 p.m. three (3) court days prior to the hearing time.
- e. **Reply Affidavits.** Reply documents in strict reply to the motion shall be similarly filed and served no later than 5:00 p.m. one (1) court day prior to the hearing. Reply affidavits may be filed no later than the day of the hearing. Reply affidavits shall be limited to a maximum of three double spaced pages and shall be in strict reply to the responsive affidavit.
- f. **Exhibits and Worksheets.** Mandatory financial declarations and support worksheets as required by RCW 26.09 shall be filed whenever financial matters are at issue. [See KCLCR 77(k)(5).]
- g. **Benching Materials.** Bench copies must be provided to the Court no later than two (2) court days before the hearing. Parties may submit bench copies via

email, unless those submissions exceed 100 pages. Bench Copies can be emailed to Superior Court at: SuperiorCourt@co.kitsap.wa.us. Bench copies that exceed 100 pages must not be emailed; rather, they must be provided to the Court as hard copies and should be mailed or delivered to Court Administration.

- h. **Proposed Orders.** Draft temporary and final orders following a Court ruling shall be delivered to the Court and to the opposing party no later than noon seven (7) days prior to the scheduled hearing on presentation. Opposing parties who object to any provision of the draft documents as being inconsistent with the Court's ruling must serve all parties and the Court with written objections by 5:00 p.m. two (2) court days prior to the hearing. Objections must include the proposed orders as an attachment, specifically identify the objectionable provisions, and shall offer alternative language.
- i. **Confirmations.**
 - i. Hearings set by order of a judicial officer, including Orders to Show Cause and Presentation of Orders set by a judicial officer in open court following that judicial officer's oral ruling, do not require confirmation and are not subject to continuance except by signed order of that judicial officer.
 - ii. All other domestic relations motions must be confirmed in person, by telephoning the Superior Court office at (360) 337-7140 (Option 2), or by email at supcourtconfirm@co.kitsap.wa.us no later than 12:00 noon one day before hearings, but no earlier than 48 hours in advance.
 - iii. Matters not confirmed may be heard only at the discretion of the Court.
- j. **Time Limits.** Parties shall be limited to ten (10) minutes per side during argument. The moving party shall have the opportunity to provide rebuttal argument with any remaining time.
- k. **Nonappearance.** Upon the nonappearance of a non-moving party, the court may enter orders consistent with the Moving Party's Motion, so long as proof of service is filed with the Court.

- 5. **Domestic Relations Settlement Conferences-** settlement conferences shall occur via Zoom.

- a. **Mandatory Settlement Conferences.** In each dissolution, declaration of invalidity, or legal separation, counsel and the parties shall participate in a settlement conference presided over by a judge or court commissioner. Settlement conferences are mandatory.
- b. **Attendance and Preparation Required.** No later than noon the day prior to a settlement conference that has been scheduled pursuant to section (a), each party shall have submitted to the other party and the Court a completed settlement conference memorandum and a completed “Domestic Relations Form” in the form of Exhibit G. The attorneys shall come prepared to discuss in detail and in good faith all unresolved issues in the case and, in addition, all pretrial matters if the case is not settled.
- c. **Failure to Serve Settlement Conference Memorandum and “Domestic Relations Form”/Exhibit G.** Failure to serve a completed settlement conference memorandum and a “Domestic Relations Form” in the form of Exhibit G and/or an equivalent upon the other parties and provide the original for the settlement conference judge, as required, may, at the discretion of the judge, result in the settlement conference judge striking the scheduled settlement conference and setting a subsequent settlement conference on the Court’s next available date.
- d. **Mandatory Confirmations.** All settlement conferences must be confirmed by telephoning the Superior Court office at (360) 337-7140 (Option 2), or by email at supcourtconfirm@co.kitsap.wa.us no later than 12:00 noon one day before hearings, but no earlier than 48 hours in advance. Failure to confirm may result in the imposition of terms and/or sanctions as the Court may deem appropriate.
- e. **Proceedings Confidential.** Proceedings of settlement conferences shall, in all respects, be confidential and not reported or recorded. No party shall be bound unless a settlement is reached. When a settlement has been reached, the Court may, at its discretion, and with the consent of the parties, order any agreement to be placed on the record.
- f. **Judge Disqualified for Trial.** A judge presiding over a settlement conference shall be disqualified from serving as the trial judge or exercising discretion in regard to subsequent motions in that matter.

6. **Domestic Relations Trials-** Parties may agree to proceed to a bench trial in the following manner:

- a. The parties may agree to conduct the trial via Zoom.
- b. The parties may agree to appear in person.
- c. The parties may agree that one party appear by Zoom and the other appear in person.
- d. In the event that a party does not wish to conduct trial by Zoom and does not wish to appear in the Courthouse during the COVID-19 Pandemic, the trial shall be continued.
- e. If you are proceeding to trial, hard copies of your exhibits must be provided to opposing counsel (or party if self-represented) no later than 72 hours before trial, excluding weekends and holidays.
- f. Exhibits should be dropped off to the Clerk's Office or physically mailed to the Clerk's Office to be received no later than 72 hours prior to the trial, excluding weekends and holidays. Please use the following address:

Kitsap County Clerk's Office

Attn: Kara Barnes

614 Division St, MS-34 Port Orchard, WA 98366

- g. If bench copies of exhibits are included, the Clerk's Office will ensure that they are delivered to Superior Court.
- h. If possible, please send an electronic exhibit list to Kara at kbarnes@co.kitsap.wa.us.

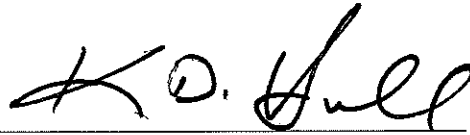
7. **Kitsap County Local Family Law Rule 10 - Mandatory Parenting Seminar.** This rule is suspended for no / low conflict cases in which there are agreed / unopposed Parenting Plans.

8. **Formal Proof.** Formal proof to finalize a domestic relations case shall be permitted by declaration.

9. **Court Interpreter.** If a party needs an interpreter, the party shall notify the Court Scheduler as soon as possible at by email at jkluver@co.kitsap.wa.us, of the need for an interpreter with the following information: name, case number, hearing date and time, and the language for the interpreter needed.

10. **Conflict in rules.** In case of a conflict in rules, this Order supersedes any previously published rule.
11. **Expiration.** This Order expires on midnight on July 31, 2020, unless rescinded, modified, or renewed before then.

DATED – MAY 7, 2020

A handwritten signature in black ink, appearing to read "K.D. Hull". The signature is written in a cursive style with a horizontal line underneath it.

KEVIN D. HULL, Presiding Judge
Kitsap County Superior Court



Office of the
KITSAP COUNTY CLERK

Alison H. Sonntag, Clerk

614 Division Street, MS 34 – Port Orchard, WA 98366-4692
360-337-7164 FAX 360-337-4927
www.kitsapgov.com/clerk

Effective May 5, 2020

The Clerk's Office will be open every morning from 8 am to 10 am, Monday through Thursday (beginning Tuesday, May 5th). We also anticipate being open for all non-criminal calendars. This will include Tuesday from 1:15 to 3:15, Thursday until about 11 and all-day Friday (closing for lunch 12:15 to 1:15). We may be open additional times as the court requires. We will keep you posted.

Since the Court is encouraging appearance by Zoom for Ex Parte hearings, please check in by email to exparte@co.kitsap.wa.us (use "Ex Parte check in" on the subject line of your email) no later than 8:00 AM on the day of your hearing. Attach the supporting documents and the orders you would like the court to sign as separate attachments to your check-in email. Specify the case number(s), date and time of the session you are attending. This is different from the process for agreed matters because it is a calendar.

For the month of May, we will continue accepting time-sensitive documents by email and fax without charge. Before the end of May, we will decide whether to continue or suspend filing by email and under what conditions.

We are strictly observing social distancing and distance lines are clearly marked in our office. We will be allowing no more than 5 people in our office at one time. All others will wait outside the door.

We have a conforming/filing station just inside the doors. We are not including someone standing at this station among the 5 allowed to enter but will permit only one person at this station at a time.

We will, of course, continue to handle Domestic Violence and other emergency orders, as we have during closure, at any time during normal business hours. Any individual needing assistance for an emergency should knock on our office door.

We encourage messengers to come during our open times, but we will open our door to allow messengers to file and conform if they are not able to utilize those times. We ask that this privilege not be abused.

We will not resume processing passports until at least June 1, 2020. The State Department is currently accepting in-person applications only in life and death situations. They advise anyone who has applied or who applies by mail, not to try to expedite and to "expect significant delays". Therefore, there would be little benefit to our citizens for us to begin accepting applications until the State Department has resumed normal operations and has had a few weeks to address their backlog.