FILED
IN COUNTY CLERK'S OFFICE

MAR 18 2020

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY KMA DEPUTY

IN THE SUPERIOR COURT OF WASHINGTON
COUNTY OF PIERCE

IN RE THE MATTER OF THE RESPONSE BY PIERCE COUNTY SUPERIOR COURT TO THE PUBLIC HEALTH EMERGENCY IN WASHINGTON STATE	Emergency Order: 20-04 EMERGENCY **ORDER #4** PUBLIC HEALTH EMERGENCY ORDER REGARDING OPERATIONS

This matter comes before the Court again on the COVID-19 public health emergency in Washington State.

Pierce County Superior Court Emergency Order's 1, 2, and 3 are incorporated by reference. In the interest of not compelling the public to personally appear for court hearings,

IT IS HEREBY ORDERED that:

A. Civil Matters:

1. Civil bench trials, including family court trials, scheduled through April 24, 2020, will be held on a voluntary basis, and may be held telephonically at the Court's discretion. During this period, parties may not subpoena witnesses to testify. Any witnesses must appear voluntarily. If any party requests a continuance the court will grant the continuance and set a new trial date. Attorneys and/or parties requesting a continuance must contact the assigned judicial department either by telephone or email. Failure to contact the Court may result in dismissal of the

case. Social distancing will be implemented for all trial participants, including observers.

2. For trial dates scheduled after April 24, 2020, the Court will consider, and liberally grant, requests to continue trial dates. Signed orders continuing trial dates shall be submitted via email to the judicial assistant.

3. All confirmed civil motions scheduled before a judge, will be heard or decided by the assigned judicial officer without the necessity of a personal appearance. Each judicial officer will determine whether a motion shall be heard based upon the pleadings or telephonically and notify the parties accordingly. Proposed and signed orders shall be submitted via email to the judicial assistant prior to the scheduled motion date.

4. Guardianship and Trust matters scheduled before a judge will be reviewed by the court. The Court will notify the parties and/or counsel if a telephonic appearance will be required. Proposed and signed orders shall be submitted via email to the judicial assistant prior to the scheduled motion date.

5. Judicial Assistants will work to contact parties by telephone or email for trial assignments and mandatory court review hearings scheduled through April 24, 2020, to determine the status of the cases. Judicial Assistants will either issue a case schedule or continue the hearings. The matters will be continued to a later date and shall not be dismissed due to the court's inability to reach the parties or a party's failure to appear at the scheduled hearing.

6. All status conferences scheduled before a judge will be heard or decided without the necessity of a personal appearance before the assigned judicial officer. Each

judicial officer will determine which status conferences will require a telephonic appearance and notify the parties accordingly.

7. All settlement conferences scheduled with the court from today's date through April 24, 2020, are stricken.

B. Criminal Matters:

1. For criminal matters see Emergency Order #5 Public Health Emergency Order Regarding Operations dated March 17, 2020.

2. The Best Practices for Criminal Case Processing may be suspended as necessary.

C. Commissioner's Court: The attached Commissioner Protocols are hereby adopted.

D. Therapeutic Courts:

1. All Felony Mental Health Court proceedings are continued until the week of April 13, 2020.

2. All Assisted Outpatient Behavioral Health Treatment proceedings are continued until Monday, March 30, 2020, at 1:30 pm.

3. Felony Drug Court is recessed until March 27, 2020, resuming on Monday, March 30, 2020.

4. Family Recovery Court is recessed until March 27, 2020, resuming on Monday, March 30, 2020.

DATED this 17th day of March 2020.

Hon. Philip K. Sorensen
Acting Presiding Judge
Pierce County Superior Court

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EMERGENCY/TEMPORARY PROCEDURES FOR CIVIL COMMISSIONER COURTROOMS AT THE COUNTY CITY BUILDING effective MARCH 18, 2020

Superior Court hours and dockets are daily subject to change. Please check the Superior Court website for the latest updates. https://www.co.pierce.wa.us/122/Superior-Court

Until further notice the following temporary procedures will be in place for each of the civil commissioner courtrooms at the County-City Building:

GENERAL

- In all courtrooms, recommended social distancing will be implemented. If needed parties, family members and support persons may be directed to remain in a separate room or designated area to wait for their matter to be heard.
- In any case where personal appearances occur, all parties shall remain seated or standing at counsel tables, except to deliver relevant documents to the court clerk.
- CourtCall has reduced fees for self-represented parties, Qualified Legal Service Providers, and lawyers. **Court Call (888) 882-6878**

Civil Division A – Courtroom 100

Show Cause/Family Law Motions AM docket

- Except at the Commissioner's discretion, no oral argument on motions; all decisions shall be made on the written record.
- For any motion scheduled by a lawyer, proposed orders shall be delivered via email to Commissioner Services no later than 1 day prior to the scheduled hearing. All orders shall be submitted as a Word document. SUPCSD@piercecountywa.gov.
- For self-represented litigants, proposed orders may be submitted, in Word form, to Commissioner Services via email in advance of the hearing or delivered to the courtroom on the day of hearing. If no orders are delivered, the commissioner will still make a ruling and prepare appropriate orders. SUPCSD@piercecountywa.gov.
- If the commissioner believes more information is necessary to make the ruling, the commissioner may schedule oral argument (done by Commissioner Services) on, or within 14 days (except for good cause) of, the scheduled hearing date. Oral argument shall be conducted telephonically via CourtCall. **Court Call (888) 882-6878**
- If there are deficiencies in the record, such as no proof of service, defective service, or a motion lacking a supporting declaration, the commissioner will complete and file a deficiency order.
- All requests for continuances shall be in writing, accompanied by a proposed order.

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Uncontested Self-Represented Dissolution AM docket

- Except for good cause, personal appearances shall not be required. It is preferred that all hearings be conducted using Interrogatories prepared in lieu of formal proof. https://piercecountywa.gov/DocumentCenter/View/90486/Procedure-to-Complete-Dissolution-Through-Written-Interrogatories
- Proposed orders shall be submitted to Commissioner Services, in person or via email, prior to the day of hearing. https://www.courts.wa.gov/forms
- If, after review, the Commissioner finds that the court file or the proposed pleadings are deficient, a written deficiency order will be prepared and filed by the commissioner.

Probate/Guardianship/Unlawful Detainer/Vulnerable Adult/Minor Settlement PM Docket

Except as set forth below or for good cause, no oral argument on motions; all decisions will be made on the written record. **Court Call (888) 882-6878.**

- For any motion noted by a lawyer, proposed orders shall be delivered via email to Commissioner Services no later than 1 day prior to the scheduled hearing. All orders shall be submitted as a Word document.
- For self-represented litigants, proposed orders may be submitted, in Word form, to Commissioner Services via email in advance of the hearing or delivered to the courtroom on the day of hearing. If no orders are delivered, the commissioner will still make a ruling and prepare appropriate orders.
- If the commissioner believes more information is necessary to make the ruling, the commissioner may schedule oral argument (done by Commissioner Services) on, or within 14 days (except for good cause) of, the scheduled hearing date. Oral argument shall be conducted telephonically via CourtCall. **Court Call (888) 882-6878**
- If there are deficiencies in the record, such as no proof of service, defective service, untimely reports, inadequate evidentiary support for the motion, or a motion lacking a supporting declaration, the commissioner will complete and file a deficiency order.
- All requests for continuances shall be in writing, accompanied by a proposed order.
- Minor Settlements: Attendance of minor, parents, and Guardian ad Litem are waived.
- Unlawful Detainers: No changes to procedures to ensure defendants have access to Housing Justice Project lawyers. However, any Plaintiff, Defendant, or their counsel, may elect to appear telephonically via CourtCall.
- Vulnerable Adult Protection Orders: No personal appearances. All Petitioners, Respondents, the vulnerable adult, or their counsel, shall appear telephonically via CourtCall. **Court Call (888) 882-6878.**
- Guardianships: No personal appearances. All Petitioners, Alleged Incapacity Persons, Guardians ad Litem, other interested parties, or their counsel, shall appear telephonically via CourtCall. **Court Call (888) 882-6878.**

Civil Division B – Courtroom 117

Show Cause/Family Law Motions AM docket

- Except at the Commissioner's discretion, no oral argument on motions; all decisions shall be made on the written record.
- For any motion scheduled by a lawyer, proposed orders shall be delivered via email to Commissioner Services no later than 1 day prior to the scheduled hearing. All orders shall be submitted as a Word document. SUPCSD@piercecountywa.gov.
- For self-represented litigants, proposed orders may be submitted, in Word form, to Commissioner Services via email in advance of the hearing or delivered to the courtroom on the day of hearing. If no orders are delivered, the commissioner will still make a ruling and prepare appropriate orders. SUPCSD@piercecountywa.gov.
- If the commissioner believes more information is necessary to make the ruling, the commissioner may schedule oral argument (done by Commissioner Services) on, or within 14 days (except for good cause) of, the scheduled hearing date. Oral argument shall be conducted telephonically via CourtCall. **Court Call (888) 882-6878**
- If there are deficiencies in the record, such as no proof of service, defective service, or a motion lacking a supporting declaration, the commissioner will complete and file a deficiency order.
- All requests for continuances shall be in writing, accompanied by a proposed order.

Domestic Violence AM/PM dockets

- No changes to current procedures, except that either Petitioner or Respondent may request to appear via CourtCall – provided arrangements are made with CourtCall in advance of the hearing.
- Should the number of people in the courtroom create difficulties with social distancing, Respondents may be directed to another room or location in the building to await the call of their case. Similarly, gallery members may be directed to remain outside the courtroom.

Civil Division C – Courtroom 407

Show Cause/Family Law Motions AM docket

- No oral argument on motions, all decisions shall be made on the written record.
- For any motion scheduled by a lawyer, proposed orders shall be delivered via email to Commissioner Services no later than 1 day prior to the scheduled hearing. All orders shall be submitted as a Word document. SUPCSD@piercecountywa.gov.
- For self-represented litigants, proposed orders may be submitted, in Word form, to Commissioner Services via email in advance of the hearing or delivered to the courtroom on the day of hearing. If no orders are delivered, the commissioner will still make a ruling and prepare appropriate orders. SUPCSD@piercecountywa.gov.

- If the commissioner believes more information is necessary to make the ruling, the commissioner may schedule oral argument (done by Commissioner Services) on, or within 14 days (except for good cause) of, the scheduled hearing date. Oral argument shall be conducted telephonically via CourtCall. **Court Call (888) 882-6878**
- If there are deficiencies in the record, such as no proof of service, defective service, or a motion lacking a supporting declaration, the commissioner will complete and file a deficiency order.
- All requests for continuances shall be in writing, accompanied by a proposed order.

Uncontested Self-Represented Dissolution AM docket

- Except for good cause, personal appearances shall not be required. It is preferred that all hearings be conducted using Interrogatories prepared in lieu of formal proof. https://piercecountywa.gov/DocumentCenter/View/90486/Procedure-to-Complete-Dissolution-Through-Written-Interrogatories
- Proposed orders shall be submitted to Commissioner Services, in person or via email, prior to the day of hearing. https://www.courts.wa.gov/forms
- If, after review, the Commissioner finds that the court file or the proposed pleadings are deficient, a written deficiency order will be prepared and filed by the commissioner.

Prosecutor's Family Support/Contempt PM Docket

Except for matters related to the contempt calendars, or contempt bench warrant returns, there will be no personal appearances by lawyers or responding parties. All agreed or unopposed orders shall be presented to the court clerk, prior to or at the time of hearing.

- A deputy prosecutor may be present to meet with responding parties on the day scheduled for the hearing. If an agreement cannot be reached, the hearing date shall be rescheduled by the court clerk at that time to allow any or all parties to submit additional documentation or pleadings. This future hearing shall be conducted telephonically via CourtCall. At their discretion, a "barrel" deputy prosecutor may appear in court to conduct these contested hearings.
- Contempt: No changes to current procedures.

Civil Division D – Courtroom 101

Screening of Domestic Violence Petitions

- No changes to current procedure. The courtroom set up has been modified to provide social distancing. Family members and support persons may be excluded for social distancing.
- Petitions prepared at a kiosk: No changes to current procedure—however some kiosks have been closed.

Ex Parte Mail

- No change to procedures.
- All agreed or unopposed presentations or motions presented by lawyers shall be submitted via e-filing pursuant to the current ex parte mail policy, including those matters currently requiring a personal appearance. Should JIS background checks be required, the lawyer must provide the date of birth of all adults named as litigants.
- The mandatory ex parte mail fee, imposed by the clerk pursuant to county ordinance, is waived for all submissions. All other provisions of the current policy remain in effect.
- There may be a delay in processing mail due to the increased volume of mail.

Ex Parte Division – Courtroom 105

- The courtroom set up has been modified to provide social distancing. Family members and support persons may be excluded for social distancing.
- All agreed or unopposed presentations or motions presented by lawyers shall be submitted via e-filing pursuant to the current ex parte mail policy, including those matters currently requiring a personal appearance. Should JIS background checks be required, the lawyer must provide the date of birth of all adults named as litigants.
- The mandatory ex parte mail fee, imposed by the clerk pursuant to county ordinance, is waived for all submissions. All other provisions of the current policy remain in effect.
- For self-represented litigants, personal appearances are still permitted. Should the person wish to appear telephonically, they may do so by arranging with Commissioner Services.
- Ex Parte courtroom hours remain unchanged.
- Contested matters, including motions for Immediate Restraining Orders: No changes to current procedures or Ex Parte Policy.

Western State Hospital

- Changes to current procedures are still being developed by the Hospital administrators, the Attorney General's office, Department of Assigned Counsel, Prosecuting Attorney's office, and Court/Clerk representatives. Please call the Court Clerk at Western State Hospital (253-756-2878) for current updates on changes to procedures.
- All persons entering the courtroom at Western State Hospital shall be screened at the motorhome in front of the courtroom.
- All medical and nursing student observations in the courtroom are suspended.

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