



# COVID 19 CLOSURE UPDATES!

---

1.0 CLE CREDITS PENDING

PRESENTED BY:

BEVERLY ALLEN

# Overview

---

## What we will do in this Webinar

1. Washington State Supreme Court Order No. 25700-B-607
  - Suspension of Civil Jury Trials
  - Rules for emergency hearings differ from non-emergency hearings
  - Offers discretion to lower courts so long as they conform to the State Supreme Court's Emergency Orders
2. Pierce County Superior Court
  - Non-emergency Matters
  - Ex Parte Emergency Matters
  - Domestic Violence and Civil Protection Orders
  - How to get agreed orders heard
  - Practice tips where oral argument is not authorized
3. Resources
  - Resources for Litigants and Attorneys
  - Resources for members of the community

# Washington State Supreme Court Order No. 25700-B-607\*

---

**Non-Emergency Matters:** Continued until after April 24, 2020 unless these can be conducted “by telephone, video, or other means that does not require in-person attendance.”

**Emergency Orders:** If emergency orders must be heard before April 24, 2020, they should be by telephone, video, or other means that does not require in-person attendance unless impossible. If in-person attendance is required, social distancing measures must be strictly observed.

**Preservation of Record:** Testimony will still be recorded when applicable.

“Nothing in this order limits the authority of the courts to adopt measures to protect public health and safety that are more restrictive than this order, as circumstances warrant, including by extending as necessary the time frames in this order.”

“The Supreme Court may extend the time frames in this order as required by continuing public health emergency.”

\*Excerpts relate to Family Law and Domestic Violence Proceedings only. For complete information, visit <https://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.COVID19>

# Pierce County Superior Court

## Non-Emergency Motions through April 24\*

---

### Emergency Order 4:

- Civil bench trials including family court trials will be heard on a voluntary basis and may be held telephonically at the Court's discretion. During this period, parties may not subpoena witnesses (but witnesses may appear voluntarily). Continuances will be liberally granted. **Failure to contact the Court may result in dismissal of the case.** \*NOTE: If your trial is after April 24, and you need a continuance, email the judicial assistant and the court will probably grant your continuance.
- Confirmed motions will be heard without personal appearance, and each judge has discretion to determine whether to hear a motion on the pleadings or telephonically. NOTE: If the court requires a telephonic appearance, the court will set it up. Make sure they have your contact info!
- **Trial assignments and court review hearings will be handled via phone or email by judicial assistants. Judicial assistants will either reset a case schedule or continue the hearings (e.g. if the service is deficient or there is no response to the petition).** Status conferences will either be decided by the court or the court will contact the parties for a telephonic appearance.
- **All settlement conferences through April 24, 2020 will be stricken.**

\*As applies to Family Law and Domestic Violence Protection Orders through April 24 unless the court extends or amends the Emergency Orders due to COVID 19.

# Commissioner's Calendar Proceedings

---

**Overview:** If the proceeding has been confirmed, it will be decided on the pleadings unless the court wants a telephonic appearance. If the court allows telephonic appearance, CourtCall may be used. Court call has reduced fees for self-represented parties, Qualified Legal Service Providers, and lawyers. **Court Call (888) 882-5878.** Court call has also waived expedited fees.

**Orders:** Deliver word versions of orders no later than 1 day prior to [SUPCSD@piercecounywa.gov](mailto:SUPCSD@piercecounywa.gov).

The court will make a ruling and prepare appropriate orders for self-represented litigants only.

**Oral Argument:** The Commissioner may authorize oral argument on or within 14 days of the scheduled hearing date. Parties to utilize CourtCall for oral argument where requested.

**Deficiencies:** If there are deficiencies, the commissioner will explain the deficiency and file a deficiency order. The parties will then have to correct the deficiency and re-note (and re-serve) the motion and supporting documents.

# Agreed Orders

---

- **Uncontested-Self Represented Dissolution Docket:** No personal appearances are required except through good cause. Parties must present proposed orders to Commissioner Services in person or via email prior to the day of the hearing. It is preferred that all hearings be conducted through Interrogatories presented in lieu of formal proof. This form can be found at <https://piersecountywa.gov/DocumentCenter/View/90486>. Go to [www.tacomalegalcoach.com](http://www.tacomalegalcoach.com) to obtain this form. Click on “COVID 19.” If the Commissioner finds the court file or proposed pleadings are deficient, a written deficiency order will be prepared and filed by the commissioner.
- **Other Agreed Ex Parte Orders:** Normally orders involving children must be presented in-person. The Ex Parte Department is waiving this requirement due to the COVID 19 emergency. If attorneys are submitting via Ex Parte mail, they must provide the date of birth of all adults named as litigants. The mandatory ex parte mail fee is waived for submissions during this time. There may be a delay in processing mail orders.
- **In Person Ex Parte:** Still available to self-represented litigants but if telephonic appearance is permitted and can be arranged through Commissioner Services. Ex Parte courtroom hours remain unchanged.

# EMERGENCY ORDERS

---

- For contested matters, including motions for Immediate Restraining Orders: No changes to current procedures or Ex Parte Policy.
- Be prepared to answer the “What’s Your Emergency” question fully and with evidence. Make sure your documents are filed and served prior to the ex parte hearing. Under normal circumstances the court will decline relief due to lack of emergency. During this COVID-19 crisis, the stakes are even higher. Do NOT bring an emergency motion for the court if there is no emergency.
- Make sure you have given 24-hours notice to the other side unless impossible. Be advised that the bar is *\*VERY\** high for waiving the notice requirement (think extreme violence).

# Domestic Violence Protection Orders- Emergency Order No. 10 (March 24, 2020)

---

- **OVERVIEW:** No in-person appearances are permitted. Open remote kiosk locations may be used to complete petitions. The Family Justice Center and the YWCA are available to assist by telephone or email. You can also access Domestic Violence Protection Order documents at [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms). In lieu of in-person, hearings will be conducted by telephone or video conferencing.
- **Temporary Protection Orders:** “All persons seeking a protection order/modification/termination/renewal or civil standby shall call the designated number to the Court/Clerk’s Office a(253-798-8827). A staff person will answer the telephone, answer relevant questions without providing legal advice, and take all the information necessary to complete the petition and confidential information form, including the person’s statement in support of the petition.” **No signature shall be required if the petition is completed telephonically.**
- **Final Protection Orders:** Heard 42 days from the date of the petition by phone or video. NOTE: Parties must arrange for CourtCall or make arrangements with court/clerk staff **at least 24 hours in advance of the hearing**. If practicable, copies of the petition, notice of hearing, additional statements, and any temporary order shall be electronically transmitted for service. If not practicable, court or clerk staff shall mail initial pleadings two copies to the petitioner.
- **Service:** May be done by personal service or mail without requiring 2 attempts at personal service or other evidence of due diligence. Service by publications still requires a court order. Petitioner must complete the proof of service form and file with court. Final orders will be sent by the clerk’s office after the hearing.
- **LINX:** All self-represented persons seeking protective orders will be enrolled in LINX.

# Practice Tips

---

**Have all your forms:** Download forms at [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms). For child support, make sure you submit child support worksheets, sealed financial source documents (most importantly, paystubs), and a financial declaration.

**Have Declarations and Evidence Filed and Served in advance:** Make sure you are following the Pierce County Superior Court Local Rules for service and filing. Make sure your evidence supports your position. Make sure your declaration lays out all the reasons for your request to the court. NOTE: Only written or transcribed evidence can be considered. The court will not be able to view video, listen to recordings, or look at your phone or electronic device (and would not do so under normal circumstances anyway).

# Resources!

- [www.tacomalegalcoach.com](http://www.tacomalegalcoach.com). Visit our COVID-19 page. Watch for upcoming webinars.
- [www.tacomaprobono.com](http://www.tacomaprobono.com). We are in cooperation with Tacoma Pro Bono to provide free legal counseling in lieu of our normal in-person “Walk-in-Wednesdays.”
- Washington State Supreme Court COVID 19 resource page! This offers a county-by-county breakdown of new emergency rules due to the COVID-19 Crisis:

<https://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.COVID19>

# Q&A

**What are your Questions?**

**What Problems are You Encountering with Access to the Courts During COVID 19 Protocols?**