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FILED
2020 MAR 13
KING COUNTY
SUPERIOR COURT CLERK

CASE #: 20-0-12050-5 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

IN THE MATTER OF
THE RESPONSE BY
KING COUNTY SUPERIOR COURT
TO THE PUBLIC HEALTH
EMERGENCY IN WASHINGTON
STATE

NO. 20-0-12050-5


EMERGENCY ORDER NO #4

1. ORDERING ALL CIVIL
PRETRIAL AND MOTION
HEARINGS TO BE HELD
TELEPHONICALLY UNLESS
A SPECIFIC REQUEST IS
MADE
2. AUTHORIZING
IMPLEMENTATION OF
ATTACHED PLAN FOR ALL
EX PARTE MATTERS
3. CHANGING FAMILY LAW
PROCEDURES IN EX PARTE

This matter comes before the Court on the public health emergency in Washington State.

IT IS ORDERED that, based upon the findings made in all prior Emergency Orders 1-3, the authority by Chief Justice Stephens' Order as outlined in Emergency Order #2 and the authority as a Presiding Judge for King County:

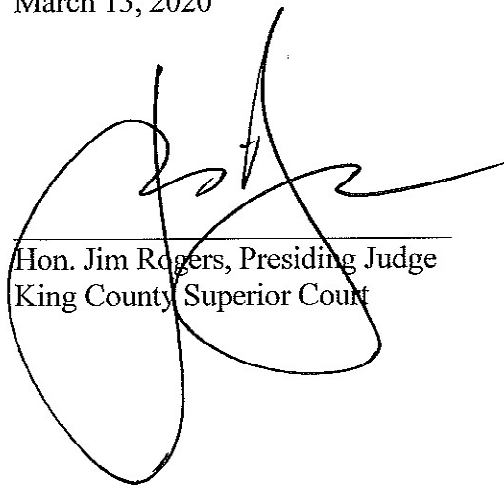
Hon. Jim Rogers
King County Superior Court
Dept. 45
516 3rd Avenue
KCC-SC-0203
Seattle, Washington 98104

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- 1 1. All civil pretrial motion hearings SHALL be held telephonically unless
2 specifically requested by counsel and granted by the IC Judge or Chief Civil
3 Judge; and
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5 2. The Changes to procedures as outlined in the attached Memorandum "Subject:
6 Changes to Ex Parte Department Procedures-Step Down Plan" are Ordered
7 effective Monday, March 16. **This involves all motions in Ex Parte**
8 **including but not limited to:**
9 a. Fee Waivers
10 b. Guardianships
11 c. Probates
12 d. Adoptions
13 e. Family Law
14 f. Civil Motions
15

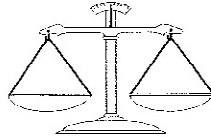
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17 It is so Ordered.

18 March 13, 2020

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23 Hon. Jim Rogers, Presiding Judge
24 King County Superior Court
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Hon. Jim Rogers
King County Superior Court
Dept. 45
516 3rd Avenue
KCC-SC-0203
Seattle, Washington 98104

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KING COUNTY SUPERIOR COURT
Memorandum

To: Ex Parte Practitioners, Litigants, and Stakeholders
From: Judge Cahan (Chief Civil Judge), Judge Helson (Chief Unified Family Court Judge)
Date: March 12, 2020

Subject: Changes to Ex Parte Department Procedures - Step-Down Plan

This memorandum is issued pursuant to the Washington Supreme Court Emergency Order dated March 4, 2020 and King County Superior Court Presiding Judge Jim Rogers' Emergency Order #2 dated March 11, 2020 and serves as an update regarding continuing operations in the KCSC Ex Parte Department at both MRJC and KCCH locations in light of the spread of COVID-19 in King County. We must deal with this crisis in a way that protects the health and safety of everyone at court facilities, while ensuring our courts remain open to provide access to justice for the people in our community.

The Ex Parte Department (MRJC- 1J / KCCH- W325) will continue to administer all calendars at currently scheduled times. However, effective immediately and until further notice, in an effort to reduce unnecessary exposure within the community, the Department hereby implements the following measures to minimize the spread of COVID-19:

Generally:

1. Telephone appearances will be permitted in all matters. THE EX PARTE DEPARTMENT STRONGLY ENCOURAGES ALL PARTIES AND LAWYERS TO APPEAR BY PHONE. Requests for phone appearances shall be submitted to the Ex Parte Department via phone or email and provide the case information and contact information for all parties. The parties shall also provide to the Court electronic copies of their proposed Order via email to SCEXPORTE@kingcounty.gov to the extent practicable. These documents must be submitted within the timelines required by the Local Rules (Specifically, LFLR 5, LCR 7, LCR(s) 98.04/98.16/98.20). Parties shall continue to provide hardcopy working papers in a timely manner consistent with the relevant rules in order for the matter to proceed. Further instructions regarding phone appearance will be posted on the Ex Parte Department website.
2. Effective immediately, the Court will no longer permit working papers to be delivered directly to the Ex Parte courtrooms. Parties may submit working papers via E-Working Copies, or in person/by mail to the mailrooms at KCCH (C-203), MRJC (2D).
3. All parties are directed to utilize Ex Parte via the Clerk for presentation of any eligible order permitted by LCR 40.1, the Ex Parte via the Clerk Master List, or as otherwise directed to reduce the need for in-court or telephonic hearings.

4. Consistent with LCR 7, any party opposing a motion shall file and serve the original responsive papers in opposition to a motion, serve copies on parties, and deliver working copies to the Ex Parte Department no later than noon two court days before the date the motion is to be considered. Failure to do so may result in the court prohibiting participation in any hearings on that motion.

Fee Waivers:

In an effort to minimize social contact, Fee Waiver requests shall be presented Ex Parte via the Clerk. Litigants must submit their documents to the clerk for presentation. Staff will email a copy of the Order on Fee Waiver and any subsequently filed documents to the party or they may otherwise obtain copies from the clerk at a later time. Fee Waivers presented in anticipation of filing an Anti-Harassment Petition may continue to be presented in person.

Guardianships:

1. On a case by case basis, longer continuances will be permitted to address barriers to accessibility and health & safety issues for Guardian ad Litem and Medical Providers in interviewing and evaluating Alleged Incapacitated Persons.
2. Telephone appearances will be permitted AND ARE STRONGLY ENCOURAGED for all participants in Guardianship hearings.
3. In anticipation of barriers accessing Alleged Incapacitated Persons, particularly those considered vulnerable to COVID-19 and those residing in care facilities, Guardian ad Litem and other parties may note Petition for Instructions or other Motion(s) to approve alternatives to in-person interviews on shortened time without prior entry of an Order Shortening Time. Such requests will be considered via telephonic appearance by all parties.
4. For the immediate future (until further order of the Court), and while this public health crisis is ongoing, all Petitions for Appointment of Guardian ad Litem not eligible for submission Ex Parte via the Clerk (specifically, Public Pay Guardianships) should be submitted by email to SCGAL@kingcounty.gov. Parties shall submit all documents required for case initiation and staff will present the order on their behalf. A copy will be returned via email and the original/case initiating documents will be filed.
5. Counsel are encouraged to submit all agreed orders prior to their designated hearing date and provide notice of entry of any order/request to strike hearing to the Ex Parte Coordinator at SCEXPORTE@kingcounty.gov.
6. In an effort to minimize on-record hearings on the day of scheduled hearings, counsel will submit agreed or uncontested proposed orders to the courtroom email no later than 9:00 AM. If the order is signed by the Court the matter need not go on the record. The only matters that will be on the record will be (1) matters the Court determines requires additional scrutiny or findings on the record, and/or (2) contested motions.

7. In an effort to minimize attendance, parties in receipt of any Order to Appear on Guardianship Delinquency Calendar and/or Order on Case Review regarding the Probate Review Calendar are required to submit proof of compliance or otherwise request a continuance by emailing the department supervisor at Nadia.Simpson@KingCounty.gov. Parties should not attend any case review hearings in person. Pro Se Litigants may present their matters by phone at the time of the review hearing as needed. Any such appearance will be coordinated by the department supervisor.

Probates:

Effective immediately, all eligible Petition for Appointment of Personal Representative or Administrator and Bonds must be presented Ex Parte via the Clerk. Walk-in/In-Person presentation is no longer permitted. For those matters which require notice or otherwise are ineligible for submission Ex Parte via the Clerk, the moving party shall note the matter for hearing and submit a request for telephonic appearance. Parties must continue to submit original wills as required pursuant to Chapter 11.20 RCW.

Adoptions:

The Ex Parte Department will no longer hear Adoption Finalizations in person. All parties are directed to note their adoptions for telephonic appearance and submit their requests through Form Interrogatories. The Court will not require parties to obtain prior court approval for this. All pending adoption hearings are hereby stricken unless they arrange telephonic appearance, without exception. Parties, including pro se litigants, may contact the Adoption Paralegal at (206) 477-1493.

Family Law:

1. All in person final decree hearings are suspended. Presentation of Agreed Parenting Plans and Other Agreed or Final Decrees wherein one or both parties are represented by counsel may be presented by phone. Counsel shall contact the coordinator to arrange a time for presentation and delivery of working papers via email. Alternatively, parties may note matters for presentation and subsequently arrange a phone appearance.
2. If you are self-represented and want to finalize your case by agreement, you must email your proposed final orders to facilitators@kingcounty.gov. Facilitators will work with the Ex Parte Commissioners to finalize your documents or give you instructions on what to do next. If you cannot email your documents or have other questions please call 206-477-2781 (Kent cases) or 206-477-2553 (Seattle cases) between 8:30 am and 12:00 noon.
3. Presentation of Temporary Restraining Orders and other Protective Orders shall be by phone when practicable. Parties shall submit working papers no later than 3:30 PM the day prior to presentation, if practicable. Any pleadings submitted the same day as presentation shall be emailed to the coordinator when parties contact the coordinator to arrange a time for presentation. In matters where notice is given, the moving party shall provide the date, time, and department of presentation as well as department contact information for arranging a telephonic appearance.

Civil Motions:

With the exception of Unlawful Detainer matters, all hearings on civil motions, including but limited to Receivership and Minor Settlements shall be noted and presented telephonically. All in-person hearings on these calendars are suspended.

We acknowledge that COVID-19 is anticipated to impact our community for many months ahead. With this in mind, we continue to assess the future impacts of COVID-19, and the Ex Parte Department will continue to discuss altering processes aimed to protect the health and safety of everyone at our court facilities.

Thank you,

Judge Lum on Behalf of Judge Cahan
Judge Nelson