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2
3 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
4 IN AND FOR YAKIMA COUNTY

5 In re:)
6) GENERAL ORDER NO. 2
7)
8 EMERGENCY NOTIFICATION)
9 SUPPLEMENTING SUPREME) GR21
10 COURT ORDER RELATING TO)
11 COVID-19 PUBLIC HEALTH)
12 EMERGENCY)
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Whereas the Washington State Supreme Court has issued a statewide order requiring state courts to respond to the COVID-19 public health emergency, filed and dated March 18, 2020; and

Whereas, Yakima County desires to supplement said order to give clear direction to the public, litigants, attorneys and court staff how the Supreme Court order shall be implemented in Yakima County as it relates to non-criminal (civil) matters; and

Whereas, the Yakima County Superior Court deems said supplemental order does not conflict with the Supreme Court Order and is warranted to address the current state of emergency within Yakima County.

NOW, THEREFORE, pursuant to the Court's authority to administer justice and to ensure the safety of court personnel, litigants, and the public,

IT IS HEREBY ORDERED:



- 1 1. All civil hearings, including but not limited to family law, guardianships, probate,
2 unlawful detainer, paternity, and community motions are stricken and may be
3 noted for hearing after April 24, 2020.
- 4 2. All emergency civil hearings presently noted for hearing or all emergency matters
5 that arise before April 24, 2020 must be heard telephonically. Attached as
6 Exemplars hereto are instructions on arranging and conducting telephonic court
7 hearings. If it is impossible for a party to appear telephonically, social distancing
8 and other public health measures shall be strictly observed. Emergency is
9 defined as follows: a situation that clearly appears from specific facts shown by
10 affidavit or by the verified complaint that immediate and irreparable injury, loss, or
11 damage will result.

12
13 If you believe your motion is an emergency, you must obtain a court order to set
14 the hearing by submitting a motion and sworn declaration through the ex parte
15 procedures set forth in this Order. If the Court approves the request,
16 confirmation requirements still apply.

- 17 3. All ex parte orders shall be filed with the Clerk of the Court. Each order shall be
18 affixed with a cover sheet, a copy of which is attached as Exemplar 1. The Clerk
19 will deliver the ex parte orders to the judicial officer for the Court's review and
20 signature. The moving party will thereafter be notified of the Court's decision.
- 21 4. On or after April 24, 2020 and until further order of the court, all family law and
22 paternity hearings shall be conducted as follows:
- 23 a. All cases are encouraged to be held telephonically. The Court will make a
24 conference line available so all attorneys and parties may participate in the
25 hearing in lieu of attending in person. Courtroom etiquette still applies, and in

1 addition all callers must keep their telephones on "mute" until their case is
2 called, and no caller may put the conference call on hold. All participants
3 must have joined the conference call at the beginning of the docket when the
4 cases are called.

5 b. Settlement conferences scheduled through May 31, 2020 will be reset. The
6 Court Administrator will send notice of new settlement conference dates.

7 c. Status hearings are suspended through May 31, 2020 and will not be reset.

8 d. Domestic ex parte motions may be submitted to the Clerk's office for
9 consideration in chambers. If more information or a contested hearing is
10 needed, the judicial officer will contact the attorneys/parties by telephone on
11 the record.
12

13 5. On or after April 24, 2020, the following shall apply to all juvenile offender trials,
14 truancy, ARY, CHINS and diversion termination hearings:

15 OFFENDER TRIALS

16 a. The Court, upon its own motion, finds that a continuance of all juvenile
17 offender trials is necessary for the administration of justice.

18 b. The Court, upon its own motion, continues all juvenile offender trials set
19 on or between March 16, 2020 and April 24, 2020 to Monday April 27,
20 2020 at 8:45 am.

21 c. The Court finds that based on the state of emergency detailed above,
22 there is a serious danger posed by the virus and this constitutes good
23 cause and an unavoidable circumstance under JuCR 7.8(e)(7).
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- 1 d. Based on the Court's findings of an unavoidable circumstance under
2 JuCR 7.8(e)(7), the time between the date of this order and the date of the
3 next scheduled trial date is EXCLUDED when calculating time for trial.

4 **TRUANCY / ARY / CHINS**

- 5 a. The Court finds that based on the state of emergency described above
6 and, in an effort, to limit public exposure to the virus it is necessary to
7 suspend or continue all Truancy, At-Rsk Youth (ARY) and Children In
8 Need of Services Cases (CHINS).
9
10 b. All Truancy hearings set on or between March 16, 2020 and April 30, 2020
11 are stricken. School districts who need to re-note a hearing may set the
12 hearing beginning on Tuesday May 5, 2020 or any subsequent Tuesday
13 through the end of the school year.
14
15 c. No new ARY petitions may be filed and no new contempt motions may be
16 scheduled until May 5, 2020.
17
18 d. No new CHINS petitions may be filed before April 24, 2020 and hearings
19 of any kind on CHINS cases may be scheduled until May 5, 2020.

18 **DIVERSION TERMINATION HEARINGS**

- 19 a. All diversion termination hearings currently set on or between March 16,
20 2020 and April 30, 2020 are hereby stricken.
21
22 b. Diversion termination hearings may be re-noted beginning on May 5,
23 2020.
24
25 6. On or after April 24, 2020, the following shall apply to all dependency hearings:
a. All dependency hearings, except 72-hour shelter care hearings, shall be
heard telephonically unless otherwise ordered by the court.

- 1 b. All 72-hour shelter care hearings shall be set on the dependency docket in
2 the normal course and shall be heard telephonically unless a parent
3 specifically requests an in-person hearing.
- 4 c. All parties and attorneys needing to telephonically appear shall call 509-
5 574-2171 and enter the PIN 2171# by the time the hearing is set to begin.
6 Each party shall mute their phone until they are asked by the court for
7 argument or to answer a question from the court.
- 8 d. All agreed proposed orders will be processed at the beginning of each
9 docket. Parties and/or attorneys do not need to appear telephonically or
10 in person on any case with an agreed proposed order.
- 11 e. Agreed proposed orders should be delivered to the Juvenile Court Clerk's
12 office by the date and time set for the hearing and shall be delivered within
13 one (1) court day of the hearing.
- 14 f. Contested matters will be heard telephonically and the parties or their
15 attorneys shall be responsible for drafting the orders in accord with the
16 Court's rulings. The orders shall be circulated by email to all other parties
17 or their attorneys for electronic approval. An email with all parties copied
18 confirming they agree with the accuracy of the order shall be sufficient for
19 electronic approval. Orders on contested matters shall be delivered to the
20 Juvenile Court Clerk's office within two (2) court days of the hearing.
- 21 g. Dockets with more than 10 hearings will be split into two or more dockets
22 and set at 9:00 am, 10:00 am, and 11:00 am for morning hearings; and
23 1:30 pm, 2:30 pm, and 3:30 pm for afternoon hearings. Password
24 protected dockets will be emailed to the attorneys the day before the
25

1 hearings so they will know what time to dial in for their telephonic
2 hearings.

3 h. Bench copies for any hearing may be emailed to the judicial officer
4 assigned to dependency with all parties copied on the email and the
5 original sent to the Juvenile Court Clerk for filing.

6 j. All fact-finding and termination bench trials currently set at Yakima County
7 Superior Court Juvenile Division through April 24, 2020 are continued and
8 shall be reset by the parties to a Monday and/or Tuesday commencing on
9 or after April 27, 2020. If the parties cannot agree on a date then the
10 parties shall note the case for a status conference on a Wednesday at
11 1:30 pm, but no sooner than April 29, 2020. Based on the State of
12 Emergency in Washington State and Yakima County and the COVID 19
13 pandemic, the Court finds there are exceptional circumstances to continue
14 trials beyond the 75th day after the filing of the dependency petition.
15

16 k. The Court finds that the State of Emergency in Washington State and
17 Yakima County and the COVID 19 pandemic is good cause under CR
18 43(a)(1) to allow for telephonic witness testimony in any dependency
19 hearing or trial. Witnesses shall testify under oath and shall not
20 communicate with any person not participating in the hearing or trial
21 during their testimony. If a party wishes to have a witness testify about an
22 exhibit, he or she shall ensure the witness and all other parties have
23 copies of the exhibit.
24

25 l. Family Treatment Court (FTC) hearings set from March 19, 2020 through
April 24, 2020 are stricken. FTC staffing shall occur as currently

1 scheduled, but individuals may appear telephonically as described above.
2 FTC hearings set from April 30, 2020 forward shall be held on the normal
3 date and time and all parties and attorneys shall appear telephonically.
4 FTC court orders shall be presented to the Court for signing and filing
5 within one (1) court day of the hearing.
6

7 7. On or after April 24, 2020, the following procedures shall apply to remaining civil
8 matters, including civil summary judgments hearings, guardianship and probate
9 matters, unlawful detainer hearings and community motion hearings:

10 a. All pretrial hearings, if possible, shall be heard telephonically.

11 b. All parties and attorneys needing to telephonically appear shall refer to
12 Exemplar 2, the instructions to appear by telephone for Superior Court
13 Civil and Domestic Hearings, by the time the hearing is set to begin. Each
14 party shall mute their phone until they are asked by the court for argument
15 or to answer a question from the court.
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17 c. Where court matters must be heard in person, social distancing and other
18 public health measures must be strictly observed.

19 8. Mandatory arbitration (MAR) and mandatory mediation in civil cases are
20 unaffected by this order. Arbitrators, mediators, attorneys and litigants are
21 encouraged to abide by social distancing and other public health measures then
22 in effect.

23 9. Criminal diversion hearings may be set in the ordinary course if the parties
24 contemplate presentation of diversion orders. If a party knows a diversion order
25 will not be presented, the parties shall present 72-hours in advance an agreed

1 order continuing the hearing to another date. Continuance orders presented on
2 the day set for presentation of the diversion order are strongly discouraged.

3 10. Therapeutic courts in the Superior Court are cancelled until further order, except
4 individual hearings special set by the court. If a hearing is special set, the
5 participants shall be notified and must appear telephonically.

6 11. Domestic violence and Anti-harassment hearings shall be set in the ordinary
7 course. Ex parte application for temporary orders shall follow the procedures set
8 out in paragraph 3, above. Hearings shall be set within 14 days, as required by
9 statute. All parties, attorneys and witnesses shall appear telephonically before
10 the hearing is set to begin. The instructions to appear by telephone for Superior
11 Court Civil and Domestic Hearings is attached as Exemplar 2. Each party shall
12 mute their telephones until they are asked by the court to participate. If parties
13 wish to present exhibits for the hearing, they shall be filed with the Court Clerk 48
14 hours in advance and copies of the exhibits sent or delivered to the opposing
15 party 48 hours in advance. Person appearance at hearings is strongly
16 discouraged. If you must attend the hearing personally, social distancing and
17 other public health measures will be strictly enforced.

18
19 12. Pursuant to the Supreme Court Order issued March 18, 2020 and the Governor's
20 Proclamation 20-19 imposing a moratorium on unlawful detainer hearings, all
21 unlawful detainer hearings, unless said eviction is attested to by the landlord that
22 it is necessary to ensure the health and safety of the tenant or other individuals,
23 are stricken and may be re-noted for hearing on or after April 27, 2020 On or
24 after April 24, 2020, the following procedures shall apply to unlawful detainer
25 hearings:

- 1 a. All hearings, if possible, shall be heard telephonically.
- 2 b. All parties and attorneys needing to telephonically appear shall refer to
- 3 Exemplar 2, the instructions to appear by telephone for Superior Court
- 4 Civil and Domestic Hearings, by the time the hearing is set to begin. Each
- 5 party shall mute their phone until they are asked by the court for argument
- 6 or to answer a question from the court.
- 7
- 8 c. Where court matters must be heard in person, social distancing and other
- 9 public health measures must be strictly observed.
- 10 d. All exhibits to be presented at said hearings shall be filed with the Clerk of
- 11 the Court 48-hours in advance of the hearing and copies delivered or
- 12 served upon the opposing party.

13 13. This Order shall be reviewed on a periodic basis and may be modified as

14 necessary to address the ongoing state of emergency.

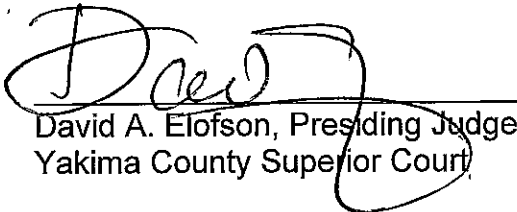
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18 Dated this 20th day of March 2020.

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21 David A. Eloffson, Presiding Judge

22 Yakima County Superior Court

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YAKIMA COUNTY CLERK'S OFFICE DOMESTIC EX-PARTE COVER SHEET

Please provide an email and phone number in the event the Court needs to contact you for questions.

Petitioner(s):

Respondent(s):

Phone Number:

Email:

What efforts have been made to notify other party:

- You will receive an email after court notifying you that your order has been signed. Contact the Clerk's office for a signed copy of your order.
- Please allow for two business days for processing. You can contact the Clerk's office by phone at **509-574-1430**, or via email at **dcrequests@co.yakima.wa.us**.
- You can also pay for your copies online or over the phone at: **1-800-701-8560**, or at www.yakimaclerk.com. Fees will apply.
- If you have access to Odyssey Portal, please use it to obtain your copy of the pleadings.
- Signed DV Protection Orders can be picked up by 3:00 PM on the same day.
- On a temporary basis the Clerk will waive the \$30.00 Ex-Parte fee for each item that is submitted with this cover page. (If you have 2 different cases, use 2 different sheets.) If you submit an "overabundance" of items, you may be billed.

Yakima County Superior Court Civil Motions and Hearings

Instructions to appear by telephone:

Due to the Covid-19 virus restrictions, Yakima County Superior Court has ordered that *all civil motions and hearings will be done by telephone.*

You do NOT need to pre-arrange for the call.

To appear by phone, you need to follow these instructions:

1. Dial the designated phone number at the scheduled hearing/motion time.
2. You should be prompted to enter a PIN number. Enter the designated PIN number, and then #.

Monday	Ex-Parte, Temp. DVs	1:30 PM	574-2909	4321	#
Tuesday	Protection Orders	9:00 AM	574-2909	4321	#
	Ex-Parte, Temp. DVs, Probate, Unlawful Detainers	1:30 PM	574-2909	4321	#
	Summary Judgment Motions	2:30/3:30	574-2907	4321	#
Wednesday	Ex-Parte, Temp DVs	1:30 PM	574-2709	4321	#
	Summary Judgment Motions	2:30/3:30	574-2907	4321	#
	Divorce Orientation	3:30 PM	574-2087	2087	#
Thursday	Protection Orders	9:00 AM	574-2909	4321	#
	Ex-Parte, Temp. DVs, Supp. Proceedings	1:30 PM	574-2909	4321	#
Friday	Ex-Parte, Temp. DVs, Probate, Unlawful Detainers	1:30 PM	574-2909	4321	#
	Community Motions	1:30 PM	574-2907	4321	#

3. "Mute" your phone until the court calls your case/name. Your call and every other call is active all the time, just like you were in the courtroom.
4. DO NOT put the call on "hold". It will play music in the courtroom if you put your call on hold.
5. Cases will be taken in order, so be patient. Do not interrupt until called upon.
6. If you have documents you want the judge to see, you can take or mail them to the Court Administrator's Office before the hearing. Be sure the other parties have copies.

Yakima County Superior Court
128 N. Second Street, Room 314
Yakima, WA 98901

Exemplar 2

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Superior Court

Domestic Relations and Paternity Hearings

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Instructions to appear by telephone:

5 Due to the Covid-19 virus restrictions, Yakima County Superior Court has ordered
6 that *all domestic relations and paternity hearings will be done by telephone.*

7 **You do NOT need to pre-arrange for the call.**

8 **To appear by phone, you need to follow these instructions:**

9 7. At the time of your hearing, dial (509) 574-2087.

10
11
12
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Monday hearings (Domestic Relations):	1:30 PM
Tuesday hearings (Paternity):	9:00 AM
Wednesday hearings (Domestic Relations)	9:00 AM
Thursday hearings (Domestic Relations)	9:30 AM
Friday hearings (Domestic Relations)	9:00 AM

14 8. You should be prompted to enter a PIN number. Enter 2087, and then #.

15 9. **"Mute"** your phone until the court calls your case/name. Your call and
16 every other call is active all the time, just like you were in the courtroom.

17 10. **DO NOT** put the call on "hold". It will play music in the courtroom if you
18 put your call on hold.

19 11. Cases will be taken in order, so be patient. Do not interrupt until called
20 upon.

21 12. If you have documents you want the judge to see, you can take or mail them
22 to the Court Administrator's Office before the hearing. Be sure the other
23 parties have copies.

24 Yakima County Superior Court
25 128 N. Second Street, Room 314
Yakima, WA 98901

Exemplar 2