

BAINBRIDGE ISLAND MUNICIPAL COURT  
COUNTY OF KITSAP, STATE OF WASHINGTON

IN THE MATTER OF THE EMERGENCY  
RESPONSE TO THE CORONAVIRUS  
(COVID-19) PUBLIC HEALTH THREAT.

EMERGENCY  
ADMINISTRATIVE ORDER

NO. 2020-3

THIS MATTER comes before the court on the public health emergency in the City of Bainbridge Island, Kitsap County, State of Washington:

1. On February 29, 2020, Washington State Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the spread of the coronavirus (COVID-19). COVID-19 is a virus that spreads from person to person easily and has grown into a worldwide pandemic. COVID-19 poses a high-risk to vulnerable populations and can cause serious illness and death.
2. On March 4, 2020, Chief Justice Debra Stephens of the Washington State Supreme Court adopted emergency order No. 25700-B-602, granting authority to all Washington courts to adopt, modify, and/or suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency, issued an emergency order in response to the public health emergency that affects operations of trial courts in Washington State.
3. On March 9, 2020, the City of Bainbridge Island issued a Proclamation of Local Emergency. The proclamation allows the City to use all resources necessary to prepare for and respond to an outbreak and to adjust City policies and operations.
4. On March 13, 2020, the Governor imposed statewide school closures for K-12 public schools. These closures have been extended by the Governor through the remainder of the school year.
5. On March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a national emergency.
6. On March 16, 2020, the Bainbridge Island Municipal Court issued an order modifying operations in order to protect the health and safety of litigants, attorneys, court staff, and the public.
7. On March 18, 2020, Washington Supreme Court issued an emergency order requiring trial courts to modify operations by continuing most criminal and civil matters and prohibiting all in-person appearances, unless impossible, through

- April 24, 2020. The order was amended on March 20, 2020 to clarify the handling of some civil matters.
8. On March 19, 2020, the federal government issued a Level 4, Do Not Travel Global Health Advisory. Due to public health measures to limit the spread of COVID-19, effective March 20, 2020, the United States Department of State is only offering expedited passport service to customers with a qualified life-or-death emergency who need a passport for immediate international travel within 72 hours. No other expedited services are offered, and mail-in applications are delayed beyond the typical 6-8 processing window.
  9. On March 23, 2020, Washington Governor Inslee issued and extended a “Stay Home, Stay Healthy” order directing non-essential businesses to close, banning public gatherings, and requiring Washingtonians to stay home except to pursue essential activities. The order has since been extended through at least May 4, 2020.
  10. On April 13, 2020, the Washington Supreme Court issued an emergency order extending the time frames of prior orders through May 4, 2020 and clarifying other court operations.
  11. During this public health emergency, the Centers for Disease Control and Prevention and the Washington State Department of Health have recommended increasingly stringent social distancing measures of at least six feet between people and encouraging vulnerable individuals to avoid public spaces.
  12. The Bainbridge Island Municipal Court is a very small courthouse. The courtroom requires litigants, attorneys, and court staff to work in extremely close quarters while attending court hearings. Social distancing as recommended by public health agencies is not possible at the Bainbridge Island Municipal Court.
  13. In-person appearances for court hearings jeopardizes the health and safety of the litigants, attorneys, the court staff, and members of the public. In order to promote the public health goals identified by public officials, promote the health and safety of users and staff at the court, it is necessary to modify operations and prevent in-person attendance at the Bainbridge Island Municipal Court during the declared public health emergency.
  14. Court hearings and processes can continue through use of video and teleconferencing, and ex parte review.
  15. The court incorporates by reference all findings of the Washington Supreme Court in emergency orders No. 25700-B-615 (issued April 13, 2020), No. 25700-B-607 (issued March 20, 2020), No. 25700-B-606 (issued March 18, 2020), and No. 25700-B-602 (issued March 4, 2020).

16. Pursuant to State v. Bone-Club, 128 Wn.2d 254 (1995), the court makes the following findings:
- a. A compelling interest has been demonstrated that requires the court to conduct hearings by video and teleconference and to limit the physical public interaction with the parties and court staff.
  - b. Anyone who objects to the court's findings related to a specific hearing may attend via telephone or videoconference and request permission to address the court on the issue.
  - c. The court finds that the means provided for the public to observe and listen to the court hearings is the least restrictive means available for protecting the public, the parties, and the court staff.
  - d. The court has weighed the importance of open proceedings against the present health risks and has determined that it is appropriate to defer to the guidance of public health experts during this pandemic. The risk of further spread of COVID-19 and possible infection of court staff and users outweighs the public interest in being physically present in an open court at this time.
  - e. This order is in place for all matters scheduled now or in the future before the court, until further order of the court. This order will be reconsidered daily as public health data, directives, and advice are issued. This order is narrowly tailored as to address current health risks. No less restrictive alternative is available that will sufficiently protect the health of all present.

THEREFORE, IT IS HEREBY ORDERED:

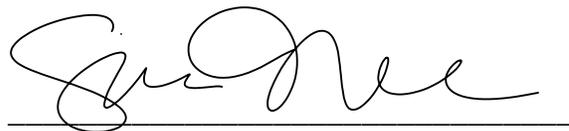
1. Effective April 16, 2020, the court will schedule criminal and civil matters for video and telephonic hearings for a date on or after May 4, 2020. Any matters that cannot be successfully completed through these means will be continued to a future date by the Judge.
2. All litigants, attorneys, interested parties, and members of the public shall attend hearings through video and telephonic means. Any requested exception to this court order must be made in writing to the Judge for consideration. Instructions on how to attend a hearing by phone or video may be obtained by contacting the clerk at (206) 842-5641 or email at [court@bainbridgewa.gov](mailto:court@bainbridgewa.gov).
3. New petitions for protection orders will be reviewed ex parte on the written record. The Judge may schedule a telephonic or video hearing, if needed, to make a determination on the petition. Any issued temporary order may be issued for longer than 14 days and may be served through mail and electronic

service, as permitted by the Governor's Proclamation 20-45, issued April 10, 2020. Full order hearings will be held by video and telephonic hearing. A status conference hearing will be scheduled prior to the full order hearing to ensure that the parties understand the process and are prepared to proceed with the video and/or telephonic hearing.

4. For all hearings that are delayed by effect of this order and previous emergency orders of the court, the delay or continuance shall constitute an excluded period for purposes of Speedy Trial, CrRLJ 3.3, CrRLJ 4.1, IRLJ 2.2, IRLJ 2.4, IRLJ 2.6, and any other applicable court rule. This is currently in effect at least through May 4, 2020 as indicated in Washington Supreme Court emergency order dated April 13, 2020.
5. Notice of the next hearing and instructions on how to attend by video or telephone will be mailed via US mail. It will also be sent by email if the litigant provides an email address to the clerk. Any person needing to update their mailing address should contact the court clerk at (206) 842-5641 or by email at court@bainbridgewa.gov.
6. It is further ordered that passport processing services by the court staff are suspended until further order of the court.
7. The doors to the courthouse shall remain closed to public, unless there is a specific exception to allow in-person appearance or pickup of paperwork made by the Judge or clerk.
8. All paperwork shall be delivered to the court through mail, fax, or email, unless it is impossible due to time constraints or lack of technology and the Judge or clerk allows in-person pickup or delivery of paperwork. All hearing paperwork must arrive by noon the day before the hearing and copies must be served on the other parties or the information may not be considered by the court at the hearing.
9. The court is open for business and clerks may be contacted by telephone, email, fax, and mail. The court website at [www.bainbridgewa.gov/court](http://www.bainbridgewa.gov/court) will be regularly updated with announcements, forms, instructions, and contact information.

This order will continue in full force and effect until terminated. This order may be modified consistent with the Court's continual assessment of the needs of the community as well as the recommendations of public health officials.

DATED this 16<sup>th</sup> day of April, 2020.



Judge Sara McCulloch