JAY INSLEE
Governor

STATE OF WASHINGTON
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**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05 AND
AMENDING, REINSTATING, AND EXTENDING
PROCLAMATION 20-45 et seq.**

**20-45.4
Protection Orders and Personal Service**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-61, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

WHEREAS, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the federal Center for Disease Control, and the State of Washington Department of Health, the Governor has issued amendatory Proclamations 20-25 et seq., *Safe Start, Stay Healthy* restricting Washington residents' movement outside their homes; and

WHEREAS, protection from harassment, violence, stalking, abuse, intimidation, and other forms of harm is a vital governmental function, as is protection from the COVID-19 pandemic, and public health agencies indicate that the COVID-19 pandemic and travel restrictions enacted in response to the COVID-19 pandemic will increase the need for various types of protection orders; and

WHEREAS, law enforcement agencies, advocates, and service providers nationally have reported an increase in domestic violence reports; and

WHEREAS, domestic violence survivors rely on protection orders for their immediate safety and peace of mind. Access to expedient court review, processing, and service of orders is essential to their safety, and perpetual litigation of protection orders creates additional danger for domestic violence survivors; and

WHEREAS, emergency protection orders mitigate the danger of domestic violence survivors' efforts to separate from their abusers and other situations with heightened risk of lethality, making access to emergency protection orders vital to public safety; and

WHEREAS, domestic violence survivors and other petitioners obtain emergency protection orders through the state's district, municipal, and superior civil court systems, making predictable, sustained, and consistent access to the court systems also vital to public safety; and

WHEREAS, current statutes limit courts' authority to utilize electronic alternatives to personal service of process; and

WHEREAS, changes to court access ordered by the judiciary based on proclamations issued by the Governor and directives from public health authorities, and other restrictions enacted in response to the COVID-19 pandemic, make access to Washington State courts extremely limited; and

WHEREAS, Washington State residents who are threatened or are experiencing violence, harassment, stalking, or abuse face obstacles and restrictions that hinder their ability to safely access the courts and obtain and extend protection orders during the COVID-19 pandemic; and

WHEREAS, we must take additional steps to preserve access to our courts, expeditious review and processing, particularly for emergency orders, timely service, and vigorous enforcement of civil protection orders for victims to preserve public safety; and

WHEREAS, on March 20, 2020, our Washington State Supreme Court directed courts to make use of available technology whenever possible to conduct judicial proceedings and court operations remotely, in order to continue to provide access to justice and to protect the health and safety of the public, court personnel, jurors, litigants, and witnesses; and

WHEREAS, in order to support courts in conducting essential court functions, proceedings, preliminary hearings, and full hearings, while at the same time implementing the social distancing measures necessary to limit the spread of COVID-19, it is necessary to suspend certain provisions of statutes related to protection orders to the extent they create barriers regarding the use of technology. In many cases, technology, including but not limited to video, audio and telephonic means, can be used to conduct judicial proceedings and court operations remotely, and to allow for remote appearances. Technology also provides the means to e-file documents; to allow service of process by law enforcement through text, email, or other social media; to enable the electronic exchange and authentication of documentary evidence; and to facilitate remote interpreting, remote reporting, and electronic recording to make the official records of actions or proceedings; and

WHEREAS, requiring personal service of process and in-person hearings for protection orders may pose a health risk and be impractical due to COVID-19; and

WHEREAS, with current technology, courts can modify operations to allow for telephonic and electronic filing of civil protection orders and telephonic and video participation in hearings to provide access without requiring in-person participation; and

WHEREAS, statutes currently require personal service of all pleadings and orders, except for service by mail or by publication under specific and very limited conditions, with prior court permission; and

WHEREAS, electronic means of service—by email or text message, or through social media applications—are readily available to law enforcement personnel and restrained parties. Electronic communications are instantaneous, inexpensive, and simple to document and preserve; and

WHEREAS, service by mail requires a petitioner to physically go to a post office and interact with another person to pay for and initiate a certified mailing, and service by publication is costly and time consuming and is the least effective method of proving that a respondent had prior knowledge of an order for enforcement purposes; and

WHEREAS, personal service by law enforcement remains a priority for all protection orders (domestic violence, sexual assault, stalking, extreme risk, and others), particularly when the restrained person has been ordered to surrender weapons, when the restrained person needs to be vacated from a shared residence, for child custody transfers, or in other cases where public safety demands it; and

WHEREAS, waiving certain statutory requirements for personal service and certain statutory requirements for in-person hearings that may not be necessary or appropriate for the individual case will minimize personal contacts that could contribute to the spread of COVID-19; and

WHEREAS, on April 10, 2020, I issued Proclamation 20-45, waiving and suspending certain statutes; and

WHEREAS, all of the four members who comprise the leadership of the Washington State Senate and House of Representatives who are required to agree to extensions for certain emergency proclamations did not agree to extend all of the statutory waivers and suspensions set forth in Proclamation 20-45 as required by RCW 43.06.220(4), and the statutory waivers and extensions set forth in Proclamation 20-45 therefore expired at 11:59 p.m. on May 10, 2020; and

WHEREAS, on May 15, 2020, under the provisions of RCW 43.06.220(4), the statutory waivers and suspensions of Proclamation 20-45 were reinstated and extended by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or June 15, 2020, whichever occurs first, and which I acknowledged and similarly extended the prohibitions therein until the termination of the COVID-19 State of Emergency or June 15, 2020 in Proclamation 20-45.1, which was restated to correct a technical issues but otherwise unchanged by Proclamation 20-45.2; and

WHEREAS, on June 15, 2020, pursuant to the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives agreed to amend, reinstate, and extend the statutory waivers and suspensions contained in Proclamation 20-45 et seq. as described herein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on July 1, 2020, whichever occurs first; and

WHEREAS, on July 1, 2020, pursuant to the provisions of RCW 43.06.220(4), the leadership of the Washington State Senate and House of Representatives agreed to amend, reinstate, and extend the statutory waivers and suspensions contained in Proclamation 20-45 et seq. as described herein until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended and Proclamations 20-45 et seq. are amended to recognize the extension of statutory waivers and suspensions therein by the leadership of the Washington State Senate and House of Representatives until the termination of the COVID-19 State of Emergency or 11:59 p.m. on August 1, 2020, whichever occurs first.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

As a result of this event, I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ADDITIONALLY, while the purposes of this order continue to be to ensure access to justice for victims; to promote public safety and public health; and to relieve the severe strain on our judicial system and law enforcement officers during the COVID-19 crisis, nothing in the extension of this order prohibits the use of personal service, including in instances in which it is no longer required under statute. In matters where personal service is not employed, service must still be made, and

should be made using electronic/telephonic means of service with verification of receipt, such as by email, text message, facsimile or through social media applications. Furthermore, personal service is encouraged whenever possible, but in particular in all cases in which public safety demands personal service.

ADDITIONALLY, my office again acknowledges the extraordinary steps already taken by our Supreme Court to encourage or require telephonic and other remote hearings, online filing, and other approaches in order to prevent further outbreak of the virus while maintaining consistent and equitable access to justice. The extension of this Order is intended to complement, support, and further those efforts.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 2nd day of July, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State