JAY INSLEE
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05

20-84

Delaying Repeal of RCW 26.10

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State 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 several amendatory proclamations, 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, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled "Stay Home – Stay Healthy," in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I later amended to "Safe Start – Stay Healthy" County-By-County Phased Reopening, gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020, again amended 20-25, et seq., to "Stay Safe – Stay Healthy – Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge," in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, despite this guidance, COVID-19-related cases, hospitalizations and deaths have remained very high, putting our people, our health system, and our economy in as dangerous a position as we faced in March 2020; and

WHEREAS, the social distancing required in Proclamation 20-25 et seq., limited court access ordered by the judiciary, directives from public health authorities, and other restrictions issued in response to the COVID-19 pandemic, make access to Washington State Courts extremely limited; and

WHEREAS, pursuant to the Washington State Supreme Court's prior orders, many Washington courts have taken important steps to protect public health while ensuring continued access to justice and essential court services, by strictly observing social distancing measures, holding proceedings remotely, suspending many in-building operations, and, among other things, promulgating emergency rules as necessary; and

WHEREAS, despite extraordinary efforts, Washington State Superior Courts face a substantial and long-term backlog of cases. In August 2020, Superior Courts: (1) completed 3,014 civil cases as compared to 6,038 at the same time last year; (2) completed 1,969 criminal cases as compared to 2,940 at the same time last year; and (3) sentenced 1,141 defendants as compared to 2,048 defendants at the same time last year; and

WHEREAS, superior courts are diligently working to maintain essential court functions and move toward greater capacity while protecting the health of staff, lawyers, litigants, jurors, and the public; and

WHEREAS, Engrossed Substitute Senate Bill 6287, Section 905 (Chapter 312, Laws of 2020), repeals RCW 26.10 – relating to third party custody of minors, and Section 907 delays implementation of the repeal to January 1, 2021; and

WHEREAS, a waiver and suspension of Engrossed Substitute Senate Bill 6287, Section 905 (Chapter 312, Laws of 2020) and a portion of Section 907, to further delay to the repeal of RCW 26.10, will give the courts adequate time to transition cases filed before January 1, 2021 under RCW 26.10 to minor guardianships under new RCW 11.130, without which superior courts would be required to reconsider all pending third-party custody cases under the new law, essentially requiring such cases to start anew, delaying a permanent placement for the affected minors, further straining the capacity of the courts, and adding to the ever-mounting backlog; 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 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive or suspend statutory provisions that prevents, hinders or delays necessary action in coping with the COVID-19 pandemic, by delaying the repeal of RCW 26.10 with respect to any case that has been filed on or before December 31, 2020.

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.

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.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with Engrossed Substitute Senate Bill 6287, Section 905 (Chapter 312, Laws of 2020), and a portion of Section 907, will prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and therefore, Engrossed Substitute Senate Bill 6287, Section 905 (Chapter 312, Laws of 2020) is hereby waived and suspended in its entirety, and the number "905" is waived and suspended in Engrossed Substitute Senate Bill 6287, Section 907 (Chapter 312, Laws of 2020), which takes effect on 12:01AM on January 1, 2021 and shall remain in effect until 11:59 PM on January 30, 2021, or as amended or extended.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I hereby prohibit anyone from filing a new third party custody case pursuant to RCW 26.10 after 12:01AM on January 1, 2021, understanding that those affected may instead file a new case pursuant to the provisions of Engrossed Substitute Senate Bill 6287 (Chapter 312, Laws of 2020).

Violators of this 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 30th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State