Superior Court of Washington

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| In re the Dependency of:  D.O.B.  | No. Pre-Trial Order for Remote/Virtual[Dependency Fact Finding:] [or] [Termination of Parental Rights:] |

Due to the current global coronavirus pandemic and in consideration of our State Supreme Court’s emergency orders, this Superior Court’s emergency orders, and our Governor’s proclamations.

[ ] The parties agree that the fact-finding trial in the above-captioned matter will [ ] be held remotely [ ] be held in person with some parties, attorneys and/or witnesses choosing to participate remotely.

[ ] The parties are not in agreement to proceeding at least in part by remote means. The Court has considered the private and public interests and the risk of error in proceeding at least in part remotely, including any identified below, and has decided to so proceed. [ ] The Court weighed the private and public interests and risk of error of proceeding at least in part by remote means as follows:

In order to ensure minimally adequate participation in this trial, which will proceed at least in part by remote means, the following additional rules will apply:

1. The parties shall exchange witness and exhibit lists [ ] in accordance with the Court’s orders, [ ] in accordance with the Court’s local rules, including the time for filing and exchanging witness and exhibit lists, [ ] as provided herein: (insert deadlines).
2. Exhibits shall be delivered to each party by (insert deadline), unless they were previously disclosed during discovery.
3. A witness list must state whether each witness will testify in-person or remotely, and if remote, must also state by what remote means the witness will testify.
4. [ ] The trial will proceed remotely and all parties must appear by (insert form of videoconference) through both audio and video, if available. A party, witness, or attorney may appear by telephone only if they do not have the proper equipment or internet speed to appear on videoconference with audio and video, and the Court has approved their appearance by telephone in advance.

[ ] The trial will proceed in person, and at least some of the parties and attorneys choose and are permitted by the court to participate remotely. A party or attorney who participates remotely must appear by (insert form of videoconference) through both audio and video, if available. A party, witness, or attorney may appear by telephone only if they do not have the proper equipment or internet speed to appear on videoconference with audio and video, and the Court has approved their appearance by telephone in advance.

1. The directions for appearing by videoconference are located at (insert location of instructions for appearing by videoconference, and link).
2. All participants are directed to turn off all forms of recording, including video, audio, or any other forms, unless the Court has issued a written order in advance granting permission for recording. The Court makes an official record of its proceedings, either through its FTR system or by certified court reporting.
3. Parties: All parties appearing remotely must appear by (insert form of videoconference) through both audio and video, if available. A party, witness, or attorney may appear by telephone only if they do not have the proper equipment or internet speed to appear on videoconference with audio and video, and the Court has approved their appearance by telephone in advance.
4. Other hearing attendees: Any person wishing to view the trial may enter the trial through (insert form of videoconference). Any person whose behavior disrupts the trial will be removed.

[ ] Only the parties in each case, their attorneys, guardian ad litem, child advocates, and witnesses may speak or participate in the trial, unless the Court directs otherwise during the trial. ALL other persons attending the trial shall turn off their video feed and mute their microphone.

1. Witnesses: [ ] Pursuant to ER 615, the Court orders that during a witness’s testimony no attorney, party, or witness may communicate with another witness about any previous testimony in the case until that witness’s testimony has concluded.
2. Until a witness has completed their testimony and been excused by the Court, witnesses shall not speak to or receive input or coaching from any other person during their testimony.
3. Witnesses shall not read or use notes, documents, text messages, instant messages or emails during their testimony, unless the document was previously distributed to the parties in discovery or the Court instructs otherwise.
4. Any non-party witness who has not yet testified is not permitted to observe or listen to any testimony before they testify.
5. After a witness has testified and been excused by the Court, he or she may remain in the remote trial, but shall turn off their video feed and microphone.
6. Witnesses such as social workers, service providers and expert witnesses who are relying on their records to form an opinion must have the ability to access their complete file for the case while they are testifying in order to allow counsel to refresh the witness’s recollection and for purposes of cross-examination.
7. If an attorney and their client needs to briefly communicate in private during the trial, they may do so through the use of the private chat function in the videoconference, through alternate phone numbers, or any other means of private virtual communication. Private chat will not be seen by the court and will not be recorded. Parties and their counsel should be careful to avoid inadvertent disclosure of communications intended to be privileged.
8. If an attorney and their client needs to speak for a longer time, the attorney should request a brief recess and then use alternate phone numbers or another form of private virtual communication such as via a breakout room in the videoconference. The timing of when a brief recess occurs, and for how long, is at the discretion of the Court, but at a minimum will be available if requested before direct and cross-examination of each witness.
9. [ ] Group chat shall not be used.

[ ] Group chat is discouraged, except for the resolution of technical issues and for communication with the Court Clerk to determine if the parties and attorneys are present and ready to proceed.

[ ] Group chat may be used to share a file with the other hearing participants, with permission of the judicial officer, for refreshing recollection or other similar purpose.

1. All participants shall use appropriate etiquette and courtroom decorum as would be expected if attending the trial in person.
2. Hearing participants joining the hearing remotely will comply with the following instructions:
	1. Have an appropriate actual or virtual background. Avoid backlighting, such as sitting with your back to a window, and driving while participating by videoconference.
	2. Inform the Court as soon as possible if you have difficulty hearing, seeing, or participating in the proceedings.
	3. Try to participate in a place that is quiet and without distractions.
	4. Consider the use of a headset or earbuds if hearing or background noise are a concern.
	5. If you are attending only by telephone press \*6 to take yourself off of mute, after which, you may use the mute function on your device.
	6. Please dress and act in a way that is appropriate for court proceedings.
	7. Try to speak clearly, and at a slightly slower pace than you would normally speak;
	8. Identify yourself in the videoconference with your actual name; you may also choose to add your role to your name. Witnesses and hearing participants under the age of 18 may use their initials instead of their name.
	9. Attorneys, parties and witnesses with video capability shall have the video on, unless they have permission of the Court to proceed without video.
3. In the event the remote hearing platform becomes unavailable, attempt to log back in, then await for further instruction from the Court as to how the proceeding will be completed.
4. [ ] (Insert name of party) has identified the following additional risk of error to proceeding at least in part by remote means: (insert identified additional risks). [ ] This Court finds that the above orders mitigate these risks. [ ] The Court orders the following additional accommodations to mitigate these risks:

It is So Ordered.

*Date Judge/Commissioner*

Received by:

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Attorney for DCYF Attorney for Mother

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Attorney for Father Attorney for the Youth

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Attorney for Guardian / Custodian GAL / Child Advocate