

2024 NOV 13 AM 10:10

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR ISLAND COUNTY

In the matter of: The Statewide Response
By Washington State Courts to Court
System Network Outage

Order No. 24-002

**EMERGENCY ADMINISTRATIVE
ORDER**

Pursuant to the authority of Superior Court Rule GR 7(f) and Washington Supreme Court Order number 25700-B-720, this Emergency Order No. 24-002 is being adopted by the Island County Superior Court and shall become effective immediately upon filing with the Administrative Office of the Courts i.e., November 13, 2024.

1. The Island County Superior Court Clerk's files and dockets are maintained through a third party vendor's product known as Odyssey. This same system provides the Clerk and Court with access to Washington Court Forms and the Judicial Access Browser System (JABS). This system and the related networks are managed by the Administrative Office of Courts (AOC).
2. The Odyssey system and related applications have been out of service and shut down since November 2, 2024.
3. The estimated time for restoration of the Odyssey system and related services is November 18, 2024. However, this date could very well be extended as a result of unforeseen circumstances.
4. The Revised Code of Washington requires that judicial officers consult certain databases prior to entering certain orders. The Island County Superior Court relies on the Odyssey system to obtain access to court files, documents, court calendars, and background check data. The Court is required to consult the JABS database prior to issuing final parenting plans, protection orders, and guardianship orders.
5. Once these systems are restored, the Island County Superior Court Clerk will require

significant amounts of staffing time to process and input all of the documents that continue to be submitted during this outage. This unavoidable backlog will result in the system and dockets not being current for several days after the Odyssey system has been restored.

6. The Island County Superior Court will continue functioning despite its inability to fully access electronic files and dockets. However, this will only be possible with the implementation of temporary changes in court procedures and the cooperation of litigants and attorneys.
7. The Washington Supreme Court entered an Emergency Order on November 8, 2024, as Order number 25700-B-720. The Order provides, among other things, that superior courts shall have the authority to adopt, modify, and suspend court rules and orders as warranted to address the emergency conditions.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

A. JUDGE'S COPIES; FAILURE TO PROVIDE. Island County Superior Court Local Rules require printed judge's copies for all motions. See LCR 5(e)(4). When a judge's copy of the moving papers has not been provided in advance as required herein, the moving party's motion may be stricken or continued to a later date at the Court's discretion. If not provided by the non-moving party, the court may disregard that party's pleadings or continue the case to a later date.

B. NOTICE OF REQUIRED JUDGE'S COPIES

- (1) A party filing a motion shall provide notice to non-moving party(ies) of the requirement for judge's copies to be filed. Failure to provide that notice may result in the motion being denied without prejudice or stricken.
- (2) The notice shall be provided in the note for calendar and state the following:

Island County Local Court rules require that judge's copies be provided of all documents filed in response to this motion.

If you intend to have the judge or commissioner hearing your case see the documents you file in response to this motion, you are required to provide physical copies of those documents to Island County Superior Court Administration by delivering the same to:

**Island County Superior Court Administration
101 NE 6th Street**

Coupeville, Washington

The top page of these judge's copies shall note the name of the judge, and the date and time of the hearing.

Example:

*Judge Cliff
November 15, 2024
9:30 am*

Failure to provide judge's copies of your documents in response to the motion may result in them not being considered at the hearing.

C. FINALIZING PARENTING PLANS, CIVIL PROTECTION ORDERS, GUARDIANSHIPS AND OTHER ORDERS REQUIRING JABS REVIEW.

- (1) No final parenting plans or final divorce orders with dependent children, or final minor guardianship orders will be entered unless those required background check records were run and printed prior to the outage and can be provided to the court.
- (2) The Court finds good cause to issue *temporary* Civil Protection Orders and Guardianships without consulting with JABS during the current AOC/Odyssey emergency, provided, however, that the judicial officer hearing these matters shall administer an oath to the petitioner(s) and inquire about relevant matters that would otherwise be provided in a background check using JABS.
- (3) Except as provided in this section, the Court will not finalize Civil Protection Orders or Guardianships during the JABS outage unless:
 - i. it has knowledge that those systems were consulted after October 1, 2024 and before entering temporary orders; or
 - ii. the judicial officer hearing the matter is able to place the moving or petitioning party or parties under oath and inquire, to that judicial officer's satisfaction, about relevant matters that would otherwise be provided in a background check using JABS; or
 - iii. the judicial officer hearing the matter is provided with a current WATCH report from the Washington State Patrol pertaining to all adult persons residing in the petitioner or moving party's household.

- (4) The Court will not enter or approve any other motion/petition that cannot statutorily be decided without a review of an AOC system or database that cannot currently be accessed via the statewide system.

D. **DEFAULT ORDERS.** Because the Court does not have access to full, updated court files to determine if responses and/or notices of appearances have been filed, default orders, including final orders and judgments in unlawful detainer cases, shall not be entered until the system is restored to service.

E. **CRIMINAL RULES & DEADLINES.** The Court finds that the unavailability of the State Courts Network and Databases hinders the Island County Superior Court's ability to meet the deadlines set forth in the Superior Court Criminal Rules (CrR) regarding time for case filing, speedy trial, and sentencing. Good cause exists to extend these deadlines.

- (1) The deadlines for case filing, speedy trial and sentencing in both adult and juvenile courts shall be extended by the period of time during which the network and databases are unavailable to the Court plus an additional five (5) court days.
- (2) The Court further finds that good cause exists for extending the time for arraignment dates on out of custody cases or the first appearance in court as required by CrR 4.1 and JuCR 7.6. The new arraignment date shall be considered the "initial commencement date" for purposes of establishing the time for trial under CrR 3.3(c)(1), CrRLJ 3.3(c)(1) and JuCR 7.8(c)(1).

F. **RESERVATION.** The Court reserves the right to strike or not hear cases that fail to comply with the applicable provisions of this order.

G. **EFFECTIVE DATE.** This order takes effect November 13, 2024 and will expire automatically two (2) court days after the judicial information system, networks, and/or databases, hosted by the Administrative Office of the Courts are restored and operational as announced by the Administrative Office of the Courts - unless extended by further order of the Supreme Court.



CHRISTON C. SKINNER, Judge
Island County Superior Court



CAROLYN L. CLIFF, Judge
Island County Superior Court