



STATE OF WASHINGTON STATUTE OF LIMITATIONS (during COVID-19 pandemic)

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STATUTE OF LIMITATIONS IN WASHINGTON DURING COVID-19

In March 2020, the Washington Supreme Court issued an “Order Regarding Court Operations During COVID-19 Public Health Emergency.” This Order was intended to work alongside Governor Jay Inslee’s “Stay Home, Stay Healthy” order on public health issued on March 23, 2020.

No express order tolling the statute of limitations for civil matters, but most matters were temporarily continued

Neither the Supreme Court’s order nor any other court order directly addressed tolling of the statute of limitations for civil matters. However, the Supreme Court’s Order required all civil jury trials and non-emergency civil motions to be suspended until after April 24, 2020. For trials already in session with a sworn-in jury, the trial may continue at the discretion of the court and agreement of the parties if social distancing and other local public health measures could be observed. Likewise, emergency matters, generally including civil protection and restraining orders, were required to be heard by telephone, video, or other means that do not require in person attendance unless impossible.

Subsequent orders have allowed all civil matters to be heard by means that do not require in person attendance unless strict social distancing measures could be maintained.

The statute of limitations for criminal matters was tolled for 30 days by order of the Governor

For criminal matters by contrast, on April 14, 2020 Governor Jay Inslee issued Proclamation 20-47 which briefly tolled the statute of limitations for prosecutors to file charges pursuant to the statute of limitations enumerated under Washington’s criminal code in RCW 9A.04.080 until May 14, 2020. This order expired on May 14, 2020 and was not renewed.

Temporary rules regarding time limits to serve complaints

No Court Order or other proclamation has extended the time limits to serve complaints statewide. However, during the COVID-19 pandemic, a number of state organizations and municipalities have modified normal service rules.

On April 10, 2020, Governor Jay Inslee issued Proclamation 20-45, which was followed by the Supreme Court’s “Second Revised And Extended Order Regarding Court Operations” on April 29, 2020. This Order waived requirements for personal service of a petition for a protection order or temporary protection order. This Order also required

courts to encourage parties to stipulate in writing to reasonable modifications of methods of service.

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