



TULALIP TRIBAL COURT LIMITED OPERATIONS PLAN AND UPDATED ADMINISTRATIVE STANDING ORDER

August 10, 2020

Court operations will be modified during Stage 3 of the Tulalip Tribes' Phased Reopening Process. The Tribal Court is scheduled to reopen to the public on Monday, August 10, 2020. The Court will begin in-person hearings on a limited basis beginning September 1, 2020, and will continue with video/telephone hearings. The Court references prior orders of this court for findings regarding Court operations, and resolutions and declarations by the Tulalip Tribes Board of Directors.

Therefore, the court hereby affirms and declares:

1. **GENERAL PUBLIC:**

- a) All individuals entering the courthouse will be required to submit to a no contact temperature check and if showing any sign of illness, will not be allowed entrance.
- b) The Court rooms will be open to parties in certain types of cases. We have capacity limits for each courtroom and the building.
- c) Filing can be done in-person, e-filing or by mail. If in-person filing, appointments are encouraged by calling the court at 360-716-4773. If e-filing please use the following email: courtclerkstaff@tulaliptribes-nsn.gov. The filer should use the subject line of "For E-Filing" or via US mail sent to: Tulalip Tribal Court, 6332-31st Ave Ne, Suite B, attn.: Clerk's Office, Tulalip, WA 98271. Filing fees are required.
- d) Family members or community members wanting to listen in to hearing may contact the court clerk at 360 716-4773, and will be given a code to enter so that they may listen to the hearing, provided that hearing is open to the public. Anyone listening in must observe the typical rules of conduct for in-court hearings, and the court will inquire at the end of the hearing if any family member, alleged victim of a crime, or Tribal Elder wishes to address the court about the matter.

2. **CRIMINAL:**

- a) Generally:
 - i. Video or telephonic appearances are still authorized and preferred through September with the exception of the Wednesday in-person docket or a request for an in-person hearing which may or may not be granted depending on current safety concerns.
 - ii. Jury trials will resume at a date to be determined in the futures with an enhanced protocol for physical distance and safety precautions.

- iii. Defendants may request a bench trial depending on the complexity of the case, the safety precautions that can be made and other relevant factors.
 - iv. Digital signatures are authorized for the signing of criminal information and for affidavits of probable cause, pleas and all other hearing types in all proceedings.
- b) In-custody matters:
- i. Criminal in-custody hearings, including first appearance on mandatory arrest charges, shall be conducted telephonically.
 - ii. In custody defendants shall continue to be transported from the Snohomish County Jail to the Tulalip Tribal Court holding cells by Tulalip Police Department for their hearing. In-custody hearings shall be heard daily beginning at 9am, which is the normal practice for the court.
 - iii. The court clerk, who shall be present in the courtroom, will moderate the conference call hearing.
 - iv. Defendants wishing to change their plea to guilty will only be accepted if assurances regarding identity, understanding of the consequences of the plea and other relevant factors are discussed. Alternatively, they can be scheduled on the Wednesday in-person calendar.
 - v. Prosecution and defense will complete the necessary forms during the telephonic hearing and, once completed, shall be emailed to the court clerk at CourtClerkStaff@tulaliptribes-nsn.gov for judge's signature.
 - vi. Any search warrants or probable cause hearings will continue to be sent to the judge on duty that week, which is the normal practice for the judges and prosecution by the Police Department, 24/7.
 - vii. Speedy trial has been tolled through August 31, 2020 for out of custody defendants.
- c) Probation: Probation clients that are released during the closure, and are required to check in following their release, should do so by calling the Community Supervision department staff- Phone: (360) 716-4800 Fax: (360) 716-0404 Email: ProbationStaff@tulaliptribes-nsn.gov
- i. Probation will be scheduling check-ins both in-person and telephonically. Probation clients are to continue to check in using RecoveryTrek and by calling their Probation Officer and follow all directions.
 - ii. The Probation clients will continue to provide urinary analysis (UAs) when directed to by their Probation Officer and/or RecoveryTrek.
 - iii. Warrants may still be issued by the Tulalip Tribal Court upon request of the Probation Officer using standard procedures.
- d) Wellness Court
- i. Healing to Wellness Court (HTWC) will hold Wellness Court staffing and Review Hearings utilizing GoToMeeting through August 31, 2020. Beginning September 3, 2020 HTWC shall be in person in courtroom 3. Individuals are discouraged

- from bringing big bags to court and will be screened for COVID-19 symptoms prior to entrance. Only HTWC participants will be permitted inside the courtroom.
- ii. HTWC physical offices will be open starting August 10, 2020. Appointments are encouraged, however HTWC staff is available for walk-ins Monday through Friday.
 - iii. Participants are still expected to check in to MobileTrek/Recovery Trek daily and if selected for a UA, report to CDACD to provide a UA sample. Social distancing and COVID safety protocols are still in place.
3. YOUTH IN NEED OF CARE (YINC) DEPENDENCIES
- i. The Tribal Court has created processes for holding remote hearings, for signing electronically and filing remotely. Hearings will continue remotely on Tuesdays. If a hearing is contested, it will be scheduled on a contested calendar. The judge will decide whether it needs to be in person or not. All social workers and attorneys may file their reports, and any other filings by email, fax or mail until further notice. If e-filing please use the following email: courtclerkstaff@tulaliptribes-nsn.gov. The filer should use the subject line of "For E-Filing". There are no judges copies required at this time. If you are filing for review use the subject line of "For Judges Review".
 - ii. If there is a need for an emergency pick up of a youth, beda?chelh will continue to follow the usual policies and procedures used thus far through this pandemic.
 - iii. Any parent whose child is involved in a YINC case, in need of legal assistance can contact 360-913-5598, for screening of eligibility.

If a person believes there is a concern about the health, safety and welfare of a minor child, they should contact the Region 3 Washington State Child Protection Services hotline at 1-866-829-2153.

4. CIVIL MATTERS:
- a) Generally
 - i. Parties may file new filings and may continue to drop off all agreed orders at the Tulalip Tribal Court 6332 31st Ave Ne Suite B Tulalip, WA98271, Or via email at CourtClerkStaff@tulaliptribes-nsn.gov . Following Judicial review, if the Judge signs off on agreed orders, Court staff will mail out orders. All filings shall include e-mail and/or telephone contact information for the parties, should Court staff need to make contact.
 - ii. If you had a matter scheduled during the reduction in court operations and did not have your hearing rescheduled, please contact the Court Clerk at via email at CourtClerkStaff@tulaliptribes-nsn.gov or via telephone at 360 716-4773.
 - iii. Domestic violence, sexual assault and stalking protection orders.

- iv. Legacy of Healing will be continuing to accept referrals for services to Petitioners for DV/SA/Stalking Protection Orders. Persons wishing to file for one of these orders should contact Legacy of Healing, or contact TOCLA by calling 360-716-4517, or 360-716-4100. Legacy of Healing and TOCLA are able to assist with filling out Petitions and filing with the Court.
 - v. Persons wishing to file their own Petitions for these Orders may request a packet from the front security desk at the Tribal Court. This will require a requestor to wait until court staff can provide the DV Protection Order Packet which may take some time. **POTENTIAL PETITIONERS ARE STRONGLY URGED TO WORK WITH LEGACY OF HEALING AND TOCLA** as this will result in receiving a temporary order of protection in the shortest amount of time possible.
 - vi. Consistent with TTC 11.15.050 *personal* service of the petition for a protection order or temporary protection order are suspended, except as to orders directing the surrender of weapons or removal of the respondent from a shared residence. Personal service remains preferred, and courts should require personal service by law enforcement when removal of children or change of custody of children is ordered, or in other circumstances where public or individual safety demands it. Where personal service is not required, service may be by law enforcement, including electronic service with acknowledgment of receipt, by process servers, by agreed service memorialized in writing, by publication or by mail. If parties have previously agreed to e-mail service or opted into e-service in the case or other currently open related case, service of temporary protection orders or reissuance/continuance orders by e-mail or e-service shall be sufficient. Before proceeding with a full hearing, the judicial officer must require proof of service five days prior to the hearing.
 - vii. Judicial officers have discretion to set hearing dates and extend temporary protection orders based on the circumstances to reasonably allow for sufficient notice, remote appearance, and presentation of evidence, while avoiding unreasonable delay. Whenever possible, statutory timeframes are suspended as necessary consistent with TTC 11.15.050.
 - viii. Circumstances relevant to the setting of hearing dates include agreement of the parties, reasonable estimates for completing service, lack of prejudice, and specific findings of good cause, which may include restrictions in place due to the public health emergency. Reissuance orders may be similarly extended. Courts may provide a means for weapons surrender hearings that does not require in-person appearance only when consistent with public safety.
- b. Elder and vulnerable adult protection orders.
Tulalip Office of Civil Legal Aid will be available to assist with any Petitions for Elder or Vulnerable Adult Protection Orders during the closure 360-716-4513, or 360-913-3433. Tulalip Elder Protection and Vulnerable Adult Program at 360-716-4589.
 - c. Family law and child support filings

The Tulalip Tribal Court is accepting civil filings and are encouraged to make an appointment for filing a new case.

- d. If a person believes there is a concern about the health, safety and welfare of a minor child, they should contact the Region 3 Washington State Child Protection Services hotline at 1-866-829-2153.

The court staff and judges will continue to monitor the court and the community's needs during this time, making adjustments as needed and provide further updated orders. This situation continues to be a fluid situation and requires all of us to come together to continue to fulfill our duties and obligations while staying within the guidelines issued by the Center for Disease Control and Prevention, the Tulalip Tribes, the State and the Federal governments.

So issued this 10th day of August, 2020.



Michelle Demmert, Chief Judge
Leona Colegrove, Associate Judge
Josh Heath, Associate Judge

Remy Stephanson Leonard, Deputy Chief Judge
Janine VanDusen, Associate Judge
Alicia Horne, Court Director