



## **TULALIP TRIBAL COURT LIMITED OPERATIONS PLAN AND UPDATED ADMINISTRATIVE STANDING ORDER**

**June 17, 2020**

Court operations continue to be substantially curtailed to help keep the public and our employees safe during the COVID-19 pandemic. The Tulalip Tribes Board of Directors have taken unprecedented actions to protect the community and address public health and safety and has issued a Quarantine or “Stay Home and Stay Healthy” mandate. The Court is an essential service and continues to function, albeit limited. This Order attempts to address and anticipate issues for court operations now through July 31, 2020, the date after which all non-essential furloughed staff may return to work on a transitional basis. The Tulalip Tribes has adopted the following statute to guide the Tribal Court.

### **11.15.050 Tribal Court Operations during Quarantine**

To minimize the health impacts of an active Quarantine to our community, the Tulalip Tribal Court’s operations, an essential service to our community, may be substantially curtailed to help keep the public and our employees safe. The Tulalip Tribal Court is hereby authorized to implement any reasonable measures necessary to Title 2 and Title 4 procedural and timeline rules to continue to operate the court during a Quarantine consistent with the Indian Civil Rights Act 25 U.S.C. 1302.

Title 2.25.070(2)(f) may be suspended during an active Quarantine, with the exception that any defendant in custody is exempt from this provision. The court makes the general finding that exigent circumstances require the following limitations, and adopts the

*Therefore, the court hereby affirms and declares:*

1. **THIS ORDER REPLACES ALL PREVIOUS ORDERS.**
2. **GENERAL PUBLIC:**
  - a. The Court rooms are closed to the general public, but security is on site to accept filings in person, however the public is encouraged to file all documents by email or mail. If e-filing please use the following email: [courtclerkstaff@tulaliptribes-nsn.gov](mailto: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
  - b. Criminal: Family members may listen telephonically to criminal court hearings. Contact the Clerk’s office at: 360-722-1697, for instructions for the teleconference line.
3. **CRIMINAL:**

- a. Generally: The court continues to find that all jury trials will be continued and stricken from the calendar through August 31, 2020. Speedy trial, for purposes of jury trials shall run from that date. Computation of time under speedy trial can be tolled if the interest of justice so requires, including exigent circumstances which normal interrupt operations of the courthouse. *Furlow v. United States*, 644 F.2d 764, 767 (9th Cir. 1981).
  - i. Video or telephonic appearances are authorized and shall be the manner in which the criminal docket is handled.
  - ii. In custody defendants may request a bench trial depending on the complexity of the case, the safety precautions that can be made and other relevant factors, may be scheduled as early as August 3, 2020.
  - iii. All probable cause determinations will be made at the telephonic first appearance hearing or arraignment hearing, whichever comes first.
  - iv. Digital signatures shall be 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 now 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. The in custody calendar will be called in its printed alphabetical order.
  - iii. The court clerk, who shall be present in the courtroom, will moderate the conference call hearing and ensure that the matter is being recorded, as well as ensure that the judge, prosecution, defense counsel and defendant are present on the conference call. Once the moderating clerk has begun the conference call, parties shall call in to join at 360 722 1697 and enter the code given to them by the moderating court clerk.
  - iv. Defendants wishing to change their plea to guilty will only be accepted if defense counsel is present with the defendant or other assurances regarding identity, understanding of the consequences of the plea and other relevant factors are discussed.
  - v. Family members wanting to listen in to their family member's hearing may contact the court clerk at 360 722 1697, and will be given a code to enter so that they may listen to the hearing. 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.
  - vi. 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](mailto:CourtClerkStaff@tulaliptribes-nsn.gov) for judge's signature.
  - vii. 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.

viii. Any party wishing to continue their currently set criminal matter out longer than July 6, 2020, may execute a speedy trial waiver and request new court dates which will be provided to the parties by the court via email.

- 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- Angel Sotomayor @ 360-722-6307 or [asotomayor@tulaliptribes-nsn.gov](mailto:asotomayor@tulaliptribes-nsn.gov).

There will be no in person check-ins with Probation clients and their Probation Officer until further order of this Court. Probation clients are to continue to check in using RecoveryTrek and by calling their Probation Officer and follow all directions. If a client is placed on Probation during the closure they are to contact Community Supervision staff, Angel Sotomayor @ 360-722-6307 or [asotomayor@tulaliptribes-nsn.gov](mailto:asotomayor@tulaliptribes-nsn.gov).

- i. The Probation clients will continue to provide urinary analysis (UAs) when directed to by their Probation Officer and/or RecoveryTrek. The Central Drug and Alcohol Collection (CDAC) will be collecting samples from 8:00 am – 12:00pm, until further notice. No late UAs will be permitted during the closure for any reason.
  - ii. Warrants may still be issued by the Tulalip Tribal Court upon request of the Probation Officer by submitting a motion with a factual basis for the warrant request and a compliance report to the Court Administrator, Stephanie Ancheta at [courtclerkstaff@tulaliptribes-nsn.gov](mailto:courtclerkstaff@tulaliptribes-nsn.gov) using the subject line “Warrant Request – For Judges Review”. If it is deemed by the Court that the probation client is substantially out of compliance with their probation and they pose a substantial danger to themselves and/or the Tulalip community a warrant will be issued, and processed by the Court Clerk on call using the same procedures the Court used while open.
  - iii. All Probation Officers may file their compliance 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](mailto:courtclerkstaff@tulaliptribes-nsn.gov). The filer should use the subject line of “For E-Filing-Probation”. There are no judges copies required at this time. If you are filing for review use the subject line of “For Judges Review”.
- d. Wellness Court
- i. Healing to Wellness Court (HTWC) will hold Wellness Court staffing and Review Hearings utilizing GoToMeeting will continue until further notice every Tuesday.
    - a. HTWC will continue to hold virtual AM case staffing sessions at 9am every Tuesday.
    - b. HTWC will continue to hold virtual AM Wellness Court dockets at 10am every Tuesday.
    - c. HTWC will continue to hold virtual PM case staffing sessions at 1pm every Tuesday.

- d. HTWC will continue to hold virtual PM Wellness Court docket at 2pm every Tuesday.
- ii. HTWC physical offices will be closed and participants are expected to check-in via MobileTrek/RecoveryTrek every day as they are normally required to.
- iii. If a participant is selected to do a UA during the closure, they shall report to CDAC to provide their UA sample. CDAC is operating under their own screening measures and holds the right to refuse any UA collection to a symptomatic participant.
- iv. All participants of Wellness Court, shall review the Emergency Long-Term Closure Plan, which is attached to this document.
- e. Warrants: Warrant quashes are handled Monday and Wednesday at 9:00 and Friday at 10:00 To access hearing, call 1 (872) 240-3311 and enter access code 229-872-797. To request a warrant quash, please contact Stephanie Ancheta, Court Administrator at 360-722-1697 or Alicia Horne, Court Director at 360-926-4538. The court will have Warrant Amnesty Week June 22- 26. Please see the flyer attached here.

#### 4. YOUTH IN NEED OF CARE (YINC) DEPENDENCIES

The Tribal Court has created processes for holding remote emergency hearings, other necessary and for signing electronically and filing remotely.

Depending on capacity, the court will hold the following hearings, in order of priority.

- a. Preliminary Inquiry
- b. Motions - emergent
- c. Adjudicatory hearings (if agreed by the parties)
- d. Permanent Plan hearings (if agreed by the parties)
- e. Status Review hearings (if agreed by the parties)
- f. Permanent Plan Review hearings (if agreed by the parties)
- g. Extended Foster Care Review (unless they are aging out)
- h. Motions – non-emergent

Contested matters will be scheduled as soon as the Court has the capacity to handle these hearings safely.

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@tulalipribes-nsn.gov](mailto:courtclerkstaff@tulalipribes-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". 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.

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.

#### 5. CIVIL MATTERS:

- a. Generally

- i. All civil filing fees are waived.
  - ii. All trials currently scheduled through July 31, 2020 will receive new trial dates by the Court following the reopening of the Court and the parties will be notified.
  - iii. Parties may drop off all agreed orders at the security or mail them to Tulalip Tribal Court 6332 31<sup>st</sup> Ave Ne Suite B Tulalip, WA98271, Or via email at [CourtClerkStaff@tulaliptribes-nsn.gov](mailto: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.
  - iv. Any matter currently scheduled from now until July 31, 2020 shall either be stricken, heard by telephone or decided on the pleadings without oral argument per this order. If a party has a matter currently scheduled, parties shall contact the Court Clerk at via email at [CourtClerkStaff@tulaliptribes-nsn.gov](mailto:CourtClerkStaff@tulaliptribes-nsn.gov) or via telephone at 360 722 1697 with questions, and/or to provide a contact phone number to be called at the time of your currently scheduled hearings as outlined below.
  - v. Only emergency motions or hearings will be scheduled during the quarantine.
- b. Domestic violence, sexual assault and stalking protection orders.
- i. 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 360-716-4513, or 360-913-3433. Legacy of Healing and TOCLA are able to assist with filling out Petitions and filing with the Court. The Tribal Court has created processes for signing electronically and filing remotely. Temporary Orders, under the TRIBAL COURT LIMITED OPERATIONS PLAN AND UPDATED ADMINISTRATIVE STANDING ORDER, will be extended past July 31, 2020 and may be continued further if the closure is extended by the Tulalip Board of Directors. The on-call advocate is Chero Fryberg and can be reached at 360-913-4250.
  - ii. 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.
  - iii. 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.
- iv. 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.
  - v. 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.
- c. 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. TOCLA will take referrals to assist with Petitions from persons concerned about someone who is vulnerable, from the Tulalip Elder Protection Program, or from Elders and Vulnerable Adults seeking assistance for themselves. To receive assistance from TOCLA, persons seeking to Petition for an Elder/Vulnerable Adult Protection Order should contact TOCLA by calling 360-716-4513, or 360-913-3433. Tulalip Elder Protection and Vulnerable Adult Program at 360-716-4589.
- d. Family law and child support filings  
During the closure, the Tulalip Tribal Court will accept filings with the preference for email. 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. If e-filing please use the following email: [courtclerkstaff@tulaliptribes-nsn.gov](mailto:courtclerkstaff@tulaliptribes-nsn.gov). The filer should use the subject line of "For E-Filing-Family Law and Child Support". Persons may continue to seek service from TOCLA pursuant to Section 4 below. If a person believes that their filing is emergent, they will be referred to the Court Administrator and the Judges for a determination of whether the Court will accept the filing and hold a telephonic hearing.

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 is 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 17th day of June, 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