

JUDICIAL BRANCH OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES



OFFICE OF THE TRIBAL COURT
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**CHIEF JUDGE OF THE SALISH KOOTENAI TRIBAL COURT
ADMINISTRATIVE ORDER**

The Confederated Salish and Kootenai Tribes declared a State of Emergency in response to the growing spread of the coronavirus (COVID-19) authorizing a coordinated response to reduce the risk of exposure to the Salish and Kootenai people.

With the rising number of confirmed cases, The Confederated Salish and Kootenai (CSKT) Tribal Council went on record to officially declare a State of Emergency exists within the exterior boundaries of the Flathead Indian Reservation due to the global outbreak of COVID-19, (coronavirus), pursuant to Resolution 20-086; and the Shelter in Place Order on March 27, 2020., activating an emergency response and implementing governmental services to essential services, restricting large gatherings, and urging closure of all school and educational facilities.

With the emerging number of confirmed cases and the spread of the coronavirus in communities within the State of Montana and Lake County, the Confederated Salish and Kootenai Tribal Council issued public health orders mandating a number of public health precautions, including sheltering in place.

The Chief Judge ordered temporary closure of the court and all court-related services beginning March 16, 2020, suspending normal operations in preparation for continued essential services to resume at a later date.

The Confederated Salish and Kootenai Tribal Court and the Judicial Branch are committed to the health and safety of the public and its staff as it provides essential services and maintains the rule of law. The Court, seeking to provide additional guidance in light of the evolving public health emergency, and being sufficiently advised, issues the foregoing:

IT IS ORDERED that all prior orders directed by the Chief Judge since the declaration of this public health emergency shall remain in effect until modified or withdrawn;

IT IS FURTHER ORDERED that the Court and court related programs of the Confederated Salish and Kootenai Tribal Court shall operate with the exterior doors locked at all times, permitting access upon precautionary screening as necessary, utilizing only minimum staff as required to ensure essential services to the Salish and Kootenai people and to those who utilize our Court. Signs have been posted at the Court;

IT IS FURTHER ORDERED that the Court, with the exception of rules applicable to statute of limitations, suspends all court rules of procedure for pleading, filing, in-person and other related requirements during this public health emergency to provide the Court of the Salish Kootenai Nation with discretion to comply with this Order;

IT IS FURTHER ORDERED that the Tribal Court is suspending all Jury Trials for March and April 2020. Trials will be rescheduled to a future date due to concerns over the risk of bringing together jurors in small spaces and large groups of people called for jury duty, to protect the public and court personnel;

IT IS FURTHER ORDERED that the Tribal Court is suspending all civil, juvenile, traffic and criminal matters requiring an in-person court appearance. The Court Offices are closed to the public, but individuals may call and leave a message at the Clerk of Courts Office. Court hearings will be rescheduled at a later date and notices will be sent of rescheduled hearings.

IT IS FURTHER ORDERED that the Tribal Court of the Confederated Salish and Kootenai Tribal Court is tasked with protecting the individual rights of each person as enumerated in the CSKT Tribal Code, and with providing a forum for dispute resolution, therefore, the following essential cases or operations may not be suspended. The CSKT Tribal Court must proceed with the following essential services during this public health emergency:

1. All criminal proceedings concerning an incarcerated defendant (i.e. initial appearance, bail hearings, revocation hearings).
2. All proceedings concerning detained juveniles.
3. All proceedings regarding Child Protection Services emergency hearings.
4. Involuntary commitment hearings (Mental Health or Adult Protection).
5. Applications for Orders of Protection and matters of enforcement; and
6. Applications for injunctive relief.

IT IS FURTHER ORDERED that because the CSKT Tribal Court is also tasked with protecting the collective rights of the people to remain safe, the Court upon motion of a party, shall hold proceedings essential to the public health and state of emergency, including but not limited to matters addressing violations of quarantines and enforcement of precautionary measures;

IT IS FURTHER ORDERED that the CSKT Tribal Court shall have the discretion to continue proceedings or conduct proceedings remotely by telephone or by videoconference on the Court's own motion. Applicable provisions in rules of court

procedure concerning continuance, in-person appearance and other requirements may be suspended by declaration of the presiding Judge to the extent necessary to facilitate remote appearances and other protective measures during the current public health emergency;

IT IS FUTURE ORDERED that the CSKT Tribal Court will continue to accept filings by mail, and may accept filings by email for the duration of the current emergency to eliminate in-person filings. If a person is unable to submit a filing by mail or email, such person should call the Court for alternative filing instructions. Applicable provisions in rules of court procedure addressing the filing of documents in the CSKT Tribal Court may be temporarily suspended by declaration of the presiding Judge to the extent necessary to permit such filings during the current public health emergency;

IT IS FURTHER ORDERED that the CSKT Tribal Court shall operate with minimum personnel on-site to effectively provide essential court operations and, where practicable, permit judicial employees to work from home; and

IT IS FUTURE ORDERED that this Order shall remain in effect until amended or withdrawn.

IT IS SO ORDERED.

Dated this 27th day of March, 2020.

S/

Hon. Winona M. Tanner
Chief Judge