

IN THE CROW TRIBAL COURT
IN AND FOR THE CROW NATION

In Re:

EXTENSION OF LIMITED COURT
OPERATIONS UNDER THE EXIGENT
CIRCUMSTANCES CREATED BY THE
NOVEL CORONAVIRUS “COVID-19”

Standing Order No. 2020-03

Chief Judge Dennis M. Bear Don’t Walk

On March 16, 2020, this Court issued Standing Order No. 2020-02 in response to the recent and rapidly progressing worldwide outbreak of the Coronavirus Disease 2019 (COVID-19); implementing measures intended to mitigate the impact COVID-19 may have on the public; especially the vulnerable at-risk population of our community and our venerated tribal elders. At that time, Montana had 7 confirmed cases of COVID-19. Today, only two weeks later, there are at least 171 cases confirmed cases of COVID-19 in Montana; 26 cases of which are located just off the Crow Indian Reservation in Yellowstone County.

On March 26, 2020, the Institute for Health Metrics and Evaluation (IHME), an independent global health research center at the University of Washington, recently released data projecting that, for Montana, Hospital resource use needs will peak on April 30, 2020 and the number of deaths per day caused by COVID-19 will peak on April 28, 2020. On March 27, 2020, the Governor of the State of Montana and the Chairman of the Crow Tribe both issued Stay at Home Orders requiring all non-essential businesses and operations, to stop all activities, and requiring, to the maximum extent possible, that all individuals stay at home or at their place of residence until April 10, 2020. While the President of the United States of America has made a number of conflicting statements regarding the seriousness of the virus, on March 29, 2020, President Trump indicated he would be extending the imposition of social distancing measures until April 30, 2020.

The present emergency situation negatively affects continued operations of the Judicial Branch of the Apsaalooke nation. The Court must maintain essential functions to protect constitutional rights, and should strive to ensure the public’s ability to access justice. However, the Court must also consider the impacts its continued operations have, or could have, on the health and safety of employees, litigants, and the general public. We must all do our part to curtail the spread of the COVID-19 pandemic, and it is paramount that we protect the most

vulnerable high risk individuals here in our Crow Tribal Community. Therefore, as Chief Judge of the Judicial Branch of the Apsaalooke Nation, I have determined it is necessary that the Crow Tribal Court immediately extend prior measures and implement additional measures in order to effectively prevent the spread of disease at the Crow Tribal Courthouse and Administrative Buildings.

NOW THEREFORE IT IS HEREBY ORDERED that, effective today, Tuesday, March 31, 2020 and continuing until Friday, May 1, 2020, Standing Order No. 2020-02 is amended and extended as follows:

1. **Front Desk/Office Hours:** The Front Desk shall be CLOSED for all in-person filings and payment of fines.
2. **Hearings:** Only the limited emergency and statutorily required hearings identified in Standing Order No. 2020-02 shall be held.
 - a. Unless personal appearance is mandated, the Crow Tribal Court shall conduct all hearings by phone or video conference.
 - b. Parties are responsible for contacting the Court prior to the date of hearing to provide current and accurate phone numbers and e-mail addresses.
3. **Filing:** All pleadings and other court documents must be filed by email sent to the Deputy Clerk of the Division in which you are filing:
 - a. **Civil:** Darcy Old Coyote: DOldCoyote@crowtribalcourts.org
 - b. **Criminal:** Jennifer Shane: JShane@crowtribalcourts.org
 - c. **Juvenile:** Monica Bull Tail: MBullTail@crowtribalcourts.org
 - d. **Cc on all:** JYarlott@crowtribalcourts.org
 - e. NO original hard copies are to be mailed to the court.
4. **Filing Fees:** There shall be no filing fees assessed for pleadings and documents filed by e-mail.
5. **Signatures:** Electronic signatures shall be accepted in lieu of handwritten signatures, including signatures required to be on Affidavits or Written Declarations.
 - a. The format for electronic signatures used shall be the standard “/s/ *First Name Last Name*”

- b. All documents signed electronically must contain the following declaration: “*I declare under penalty of perjury and the laws of the Crow Tribe that the foregoing is true and correct.*”
 - c. A deliberate falsification in any declaration pursuant to this section constitutes the offense of perjury as provided in CLOC § 8B-7-201 and is punishable as the offense of false swearing as provided in CLOC § 8B-7-202. A declaration under penalty of perjury executed in accordance with any provision of this code is not limited to the official proceedings referenced in § 8B-7-201.
- 6. **Civil Orders of Protection-Assistance:** Any victim of domestic violence who wishes to file a Petition for a Civil Order of Protection, but does not have access to email, or who simply wants assistance with completing and filing the Petition, may contact the Crow Domestic Violence Program at any time; twenty-four hours a day-seven days a week, by calling the Director, Valerie Falls Down, at: 406-679-6736.
 - a. The Crow Domestic Violence Program provides a number of domestic violence related services to community members experiencing, or affected by, domestic violence; including, but not limited to helping victims fill out and file Petitions for Civil Orders of Protection.
- 7. **Emergency Restraining Orders/Injunctions/Child Custody Matters:** Individuals who need to file an EMERGENCY Temporary Restraining Order/Injunction or Petition for Child Custody, but do not have access to email, are encouraged to seek the assistance of legal counsel.
 - a. A list of licensed Advocates is attached to this Order as Attachment A.
 - b. If you are unable to afford legal counsel, please contact the Crow Tribal Court Administrator, Julie Yarlott, at: 406-638-7400, to request further instruction.
- 8. **Payment of Fines:** Payment of fines may not be made in-person at the Crow Tribal Court. Instead, you may make payment by Money Order sent to the Court by postal mail.
 - a. Extensions of time shall be approved by the Court, upon emailed or telephonic request made to Julie Yarlott, the Crow Tribal Court Administrator:
 - i. Phone: 406-638-7400
 - ii. Email: JYarlott@crowtribalcourts.org

9. **Bail/Bonds:** The following procedure shall be followed for all payments of bail/bonds to the Court:
- a. Court staff shall be available on a limited basis to accept payment from the public of Bail/Bonds; provided that:
 - i. All payments must be made by Money Order or Certified Cashier's Check.
 - ii. Any person wishing to make such a payment shall contact the Court Administrator by phone or email to schedule the payment in advance.
 - iii. Court staff shall only be available to accept payments between the hours of 8:30 a.m.-12:00 p.m. M-F; and
 - iv. Court staff shall not accept any payment that has not been pre-arranged with, and authorized in writing by, the Court Administrator.
 - b. In addition, the Crow Tribal Court will adopt the following alternative COVID-19 bail and forfeiture procedure throughout the effective term of this Order:
 - i. **Reduced Amount:** Bail and a fine will be set at \$50.00 for the following non-violent offenses:
 1. Disorderly Conduct, CLOC section, 8B-8-101, et. seq.;
 2. Possession of Intoxicants, CLOC section 8B-9-112, et. seq.; and
 3. Public Nuisance, CLOC section 8B-8-110, et. seq..
 - ii. **Forfeiture/Fine:** In the event the defendant pleads guilty to the charge(s), a fine of \$50.00 for each above violation(s) will be entered.
 1. If the defendant pleads not guilty or is unable to immediately pay the fine(s), bail in the amount of \$50.00 for each violation will be set.
 2. Following the arraignment of the defendant and upon his/her posting of bail, in the event the defendant has plead guilty to the above charge(s) or if having plead not guilty, fails to appear at a scheduled hearing in the case(s), the defendant's bail as to each charge will be forfeited and applied to the fine(s) and case will be closed.

- iii. The provisions of this ¶9(b) may be altered or amended for good cause by the Criminal Court Judge, as determined on a case-by-case basis.

10. **Probation:** All meetings and check-ins with the Crow Tribal Office of Probation shall be conducted telephonically with the Chief Probation Officer, Orin Alden, at: 406-638-7400.

- a. Any impediments to completing court ordered conditions of release due to COVID-19 related factors should be communicated immediately to the Chief Probation Officer.
- b. Failure to comply with court ordered release conditions, without prior notice to and approval of the Court, may result in a revocation of your probation and subject you to incarceration.

11. **Social Distancing:** All staff, parties, and representatives who are in the office, or court, for work or any in-person hearing required by law, must adhere to the following:

- a. Despite the front desk closure, Crow Tribal Court staff will still be working in the office and answering phones, except for those who are:
 - i. Authorized and able to work remotely;
 - ii. Unable to work for reasons identified in the Family First Coronavirus Response Act:
 - 1. Subject to a quarantine order;
 - 2. Quarantined on the advice of a health care provider;
 - 3. Experiencing COVID-19 symptoms and seeking a medical diagnosis;
 - 4. Have a bona fide need to care for an individual subject to quarantine order;
 - 5. Required to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19; or
 - 6. Experiencing a substantially similar condition as specified by the U.S. Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor.
- iii. Approved to take sick or annual leave.

- b. All hearings required to occur during the effective term of this Standing Order are closed to the public.
 - i. Only the parties, legal counsel, witnesses and court staff shall be allowed to enter the court room.
 - ii. All witnesses must wait outside or in the lobby, maintain six feet or more between each individual, and only enter the courtroom when called by the Bailiff.
 - c. There shall be no public use of bathrooms located in the Courthouse or Administrative Offices.
 - d. Anyone experiencing “fever, cough & shortness of breath” is prohibited from entering any of the Court Buildings
 - i. Please call and notify the Court Administrator to make alternative arrangements.
 - e. Anyone appearing in Court or in the office, shall maintain a minimum of six feet of distance between themselves and other persons.
 - f. All staff shall continue to follow the hygiene protocols recommended by the CDC.
 - g. Hand sanitizer and other cleaning products shall be made available to staff upon request to the Court Administrator, and shall be placed in all courtrooms.
12. This order shall be effective until May 1, 2020, unless extended or modified by further order of the Court.
13. The Court Administrator shall transmit a copy of this order to the heads of the Executive and Legislative Branches, and a copy shall be posted on the Tribal Court website under “Public Notices”.

DONE and DATED THIS 31st DAY OF March, 2020.

By:

A handwritten signature in blue ink, appearing to read "Dennis M. Bear", written over a horizontal line.

Hon. Dennis M. Bear Don't Walk
Chief Judge, Crow Tribal Court