

FILED MAR 18 2020

By



IN THE SUPREME COURT OF THE OSAGE NATION
PAWHUSKA, OKLAHOMA

In re:

COVID-19 Protocol

Administrative Order No. AO-2020-01

While the information on the scope and presence COVID-19 (aka novel coronavirus) continues to change, the Osage Nation has taken numerous steps in the interests of public health and safety. There are now multiple diagnosed cases in Oklahoma, Kansas, Missouri, and Arkansas, and while many people who contract the virus are making full recoveries, others are at higher risk of serious or fatal illness. Many of those at higher risk are involved in court proceedings. Slowing the transmission of the virus in the community is an important part of mitigating the impact of the disease on vulnerable individuals and reducing the immediate burden on the health care system.

The Court maintains a capacity for conducting business remotely, and many court operations can and will continue without interruption. Not all of the Court's work can be completed at a distance, however. In particular, the need for in-court hearings must be balanced against the risk associated with such contact, and jury proceedings are inadvisable in the current environment.

For these reasons, the Court has adopted the following precautionary measures.

1. Court Operations and Services:

- a. When sanitizing stations are available, all persons will be required to use hand sanitizers prior to entering the court room and prior to approaching the Court Clerk's service window.
- b. Court staff shall use hand sanitizers prior to and after interacting with the public and prior to and after hearings.
- c. The Courts will follow the same operations schedule as the Osage Nation; any emergency closures or change in hours of operation will be posted at the court offices.
- d. The Court Administrator is authorized to close the court offices on an emergency basis upon a determination that a health risk exists and to take appropriate measures to secure the safety of the court staff and court patrons.

2. Scheduled Hearings/Trials:

- a. Trial Court judges shall coordinate with the court clerks to reschedule civil and criminal trial court hearings as needed.

- b. Trial Court judges shall issue all necessary orders to extend filing deadlines and to toll speedy trial if needed after balancing the interests of justice and public health and safety.
- c. Judges who preside over dockets that remain open should use their discretion taking other precautionary measures to protect public health and safety.
- d. Hearings for newly filed cases shall be scheduled 60 days out unless the law requires an earlier date.
- e. No jury trials shall be conducted for at least 60 days.
- f. Emergency motions, ex parte hearings, or hearings for temporary protective or guardianship orders may be conducted by telephone at the presiding judge's discretion.

3. Personal appearances/attendance:

- a. Judges shall liberally grant motions to appear by telephone and may, at their discretion and in the interests of public health and safety, direct all parties to appear by telephone.
- b. Only persons conducting business at the Court will be allowed at the Court office.
- c. Persons who are not conducting business at the Court or at the Child Support Program shall not be permitted to sit in the lobby.
- d. Only those parties whose hearings are called will be allowed in the court room.
- e. The court room will be sanitized in between each hearing, so there may be a delay between hearings to allow time for cleaning.

4. Filings:

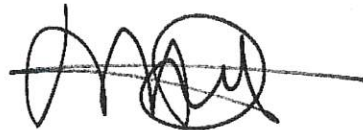
- a. When possible, parties must file documents electronically in accordance with the Court's rule on electronic filing, which is available on the Judicial Branch's website: <https://www.osagenation-nsn.gov/who-we-are/judicial-branch/court-rules>
- b. If a party cannot file electronically, then the court staff shall immediately sanitize their hands, court clerk's window, and adjacent workspaces after accepting the filings.

5. Possible Exposure:

- a. Any person who is exhibiting symptoms of an acute and contagious respiratory illness, including flu or COVID-19, shall comply with the attached Attachment A.
- b. Any person not directly related to a case as an attorney, advocate, party, witness, juror, or otherwise directly involved in a case, shall immediately leave the court building, and, if an employee of the Court, shall inform his or her supervisor of the illness.

- c. Any person directly related to a case as an attorney, advocate, party, witness, juror, or otherwise directly involved in a case shall contact the court as soon as the person is aware of symptoms that may be related to such an illness and shall request:
 - i. a motion to be excused from court as a juror, if applicable, or
 - ii. a motion to continue, or to appear electronically, or both.
 - iii. The motion to be excused or to continue will be reviewed by the court as soon as possible and will be granted. The order issued will include new court dates or instructions specific to that case. **No bench warrant will be issued if these requests are made.**
- d. Provided that this process is followed in the manner indicated in the attachment to this Order, and in this Order, the Court will find good cause to grant the request. Time will be excluded from time limit calculations.
- e. This process applies to all cases, civil and criminal, and regardless of charges in a criminal case.

SO ORDERED: March 16, 2020

A handwritten signature in black ink, appearing to read 'Meredith D. Drent', written over a horizontal line.

Meredith D. Drent
Chief Justice

ATTACHMENT TO ADMINISTRATIVE ORDER AO-2020-01

- **DO NOT COME TO COURT IF YOU ARE SICK.**
- During the COVID-19 (“coronavirus”) outbreak, and during any flu exposure, any Court Users, Counsel and/or Court staff should stay home, and notify the Court, and their supervisor immediately. The Court number is (918) 287-5400. Leave the message on the court clerk voice mail if no one answers.
 - Employees and court users, which includes parties to a case which means plaintiffs / petitioners and defendants/respondents; witnesses, advocates, attorneys, jurors, Tribal departments or outside agencies that are involved in a case, people seeking to file documents or pay fines or fees, observers and family members who wish to attend hearings, are included in this Order.
 - Employees and court users who have symptoms of acute respiratory illness are recommended to stay home and not come to court until they are free of fever (a fever is 100.4° F or greater using an oral thermometer), signs of a fever (such as chills), and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants). Employees who work at the court offices should notify their supervisor and stay home if they are sick.
 - The Court will **not** require a healthcare provider’s note for employees or court users who are sick with COVID-19 and/or acute respiratory illness to validate their illness or to return to court, as healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely way. If you later receive documentation of diagnosis with COVID-19, please email a copy to the court at jmredeagle@osagenation-nsn.gov. If you later received documentation of clearance to no longer have to self-quarantine from your medical provider, please email a copy to the court at the same email address.
 - The Court will also extend this same excuse for an employee who has notified his or her supervisor, or court user who misses court, to include those who missed court due to COVID-19 and/or acute respiratory illness of a household or family member, if the employee or court user stayed home to care for a sick family member.
- **IF YOU COME TO THE COURT BUILDING AND APPEAR TO HAVE SYMPTOMS:**
 - The Court will follow CDC recommendations that employees or court users who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) upon arrival to court, or who become sick during the day. The court will separate that staff member from others in the Court building and direct them to be sent home immediately and to notify his or her supervisor immediately. Sick

persons should cover their noses and mouths with a tissue when coughing or sneezing (or an elbow or shoulder if no tissue is available).

- **IF YOU OR A HOUSEHOLD MEMBER IS DIAGNOSED WITH COVID-19:**

- If you have been in the Court building close in time to the diagnosis – within two weeks or less - for any purpose (including filing documents, for a court hearing, meeting with Probation, etc.) notify the Court via email at jmredeagle@osagenation-nsn.gov or call the court at the number listed above of this fact and the date you or your household member was diagnosed as well as the last time you were in the Court building.
- The Court will discreetly notify tribal administration and the persons at the Court with whom you had contact.
- The Court will post a Notice that there may have been exposure to COVID-19 at the Court, and may include the date of the exposure in the Notice.

- **FOR FURTHER INFORMATION:**

- Osage Nation website: <https://www.osagenation-nsn.gov>
- Wah-Zha-Zhi Health Center: <https://www.osagenation-nsn.gov/what-we-do/wah-zha-zhi-health-center>
- State of Oklahoma Department of Health: <https://coronavirus.health.ok.gov/>
- Centers for Disease Control: <https://www.cdc.gov/coronavirus/2019-ncov/preparing-individuals-communities.html>

and

<https://www.cdc.gov/coronavirus/2019-ncov/php/preparing-communities.html>