



IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

DISTRICT COURT  
**FILED**  
MAY 11 2020

IN RE: PHASE ONE OF REOPENING )  
PLAN FOR TULSA COUNTY DISTRICT ) AO-2020-5  
COURT OPERATIONS. )

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

**ADMINISTRATIVE ORDER**  
**PHASE ONE**

This Administrative Order amends and modifies Administrative Order No. 2020-4 and its five (5) supplements. This Administrative Order is being issued in response to the continuing outbreak of Coronavirus Disease 2019 (COVID-19). This Court notes its prior findings regarding COVID-19, the provisions of the First and Second Emergency Joint Orders Regarding the COVID-19 State of Disaster issued by the Oklahoma Supreme Court and Oklahoma Court of Criminal Appeals (SCAD No. 2020-24 and SCAD No. 2020-29, respectively), and the Second Emergency Order Regarding the COVID-19 State of Disaster issued solely by the Oklahoma Supreme Court (SCAD No. 2020-26).

On April 29, 2020, the Oklahoma Supreme Court and the Oklahoma Court of Criminal Appeals issued their Third Emergency Joint Order Regarding the COVID-19 State of Disaster (SCAD No. 2020-36), and on May 1, 2020, the Oklahoma Supreme Court issued its "Order Regarding the Coronavirus Aid, Relief, and Economic Security Act (CARES Act, Public Law No. 116-136)." (SCAD No. 2020-38, 2020 OK 22). The Court incorporates here the provisions of these two (2) orders.

The Court has consulted with its Executive Committee, the Chief Judges of each of the Court's divisions, representatives of the Tulsa County Bar Association, the Tulsa County Commissioners, the Tulsa City-County Health Department, the Tulsa County Sheriff, the Tulsa County District Attorney's Office, the Tulsa County Public Defender's Office, and the Tulsa Area Emergency Management Agency Office and hereby issues the following orders:

**PHASE ONE**

**REOPENING DATE**

1. All divisions of the Court will reopen on May 18, 2020. The Court has divided the reopening process into three (3) phases. This Order outlines Phase One beginning May 18, 2020, and effective through May 29, 2020. Future supplemental orders and modifications are anticipated for Phases Two and Three in the upcoming weeks.

**PHASE ONE**

**COURTHOUSE ACCESS**

1. The Board of County Commissioners of Tulsa County ("BOCC") has exclusive control, as a matter of law, over public access to the Tulsa County Courthouse. The Court has recommended to the BOCC several measures to reduce the number of persons entering the Courthouse to ensure safety for all court participants and proper social distancing within the Courthouse.

The Court further recommends to the BOCC that the Sheriff's Courthouse Deputies have the authority to deny access to the Courthouse pursuant to any limitations imposed by the BOCC and to enforce the practice of physical distancing within the Courthouse.

## **PHASE ONE**

### **COURTROOM ACCESS**

Pursuant to Paragraph No. 12 of SCAD No. 2020-36, the Oklahoma Supreme Court provided that all areas of the Courthouse occupied by judges, judicial staff, court clerks and staff may remain closed to the public. However, the SCAD does provide for exceptions for all matters and as permitted by local order.

If any Judge of this Court grants an exception allowing public access to a courtroom or judicially-controlled area, the Oklahoma Supreme Court requires that any person entering must wear a mask and gloves. The SCAD also provides that all persons should be reminded to wash their hands. Sanitizer stations are now located on each floor of the Courthouse and additional sanitizer will also be available at each courtroom entrance.

If access to a courtroom is granted, it will be limited to attorneys, parties, necessary staff, victims and witnesses. Individual judges shall have the discretion to allow other persons. However, the Oklahoma Supreme Court has ordered that no more than ten (10) persons, including the judge and court personnel, shall be in a courtroom or other area at one time. This number may be increased if it is raised by public health officials to 50 or more, as per SCAD No. 2020-36, ¶14. The SCAD also mandates that social distancing shall be practiced in every courtroom. Each courtroom shall be marked for proper social/physical distancing. Funding requests will be made for Plexiglass shields to be installed at the bench of each courtroom.

During Phase One, in any court proceeding where Marsy's Law, Okla. Const. Art. 2, § 34, or the Oklahoma Victim's Right Act, 21 O.S.2011, §§ 142A, et seq., are

applicable, the Court shall comply with the provisions of those laws but must also comply with the ten (10) person limitation and proper social distancing.

All attorneys and court participants shall conduct their business in the Courthouse promptly and exit the building as soon as their business is completed. Please do not loiter in the hallways or anywhere else in the Courthouse.

Access to a judge's chambers shall be restricted to judges and staff only during Phase One. Any exceptions must be granted only by the specific judge. All judges' in and out boxes shall be placed outside the judges' chambers and office area in the lobby outside of those areas. The Court Clerk will also provide in/out boxes for each judge on the second floor of the Courthouse. Law firms and attorneys who utilize "runners" to pick up documents signed by a judge at the Courthouse shall restrict those runners to no more than two (2) days a week. Otherwise, they may ask the appropriate court clerk to mail the signed documents, after providing proper return envelopes and sufficient postage. Further, judges are also encouraged to use email to correspond with parties/counsel.

### **PHASE ONE**

#### **DOCKETS**

#### **GENERAL**

Our work at the Tulsa County Courthouse has been significantly impacted by COVID-19. We are currently formulating Phases Two and Three of our Reopening Plan in order to properly handle all court business once restrictions are lessened at the Tulsa County Courthouse and the courtroom limitations imposed by the Oklahoma Supreme Court and this Order are reduced. At this time, no statewide

plan has been implemented to “restart” the court system. A more uniform system among the state legal community will likely develop over time, after considerable trial and error in the coming weeks.

As for Tulsa County, you should expect, in Phases Two and Three, some necessary reformation of the Court's dockets, with extended time allowed to have participants enter/exit the courtroom and Courthouse. Restricted numbers of people at any one time in the courtrooms, waiting areas and Courthouse will likely continue into the next phases. All of these measures will be implemented to reduce the contact among participants and those of us who are in the Courthouse every day. Pursuant to SCAD No. 2020-36, video and telephone conferencing can also be expected for those matters conducive to being handled in this manner. While each judge is receptive to participating in video conferencing, counsel will likely have the responsibility for creating the meeting format and ensuring client and witness participation at a remote location. In this regard, most judges are currently being trained in use of the Blue Jeans platform. As with all things affected by COVID-19, please recognize rapidly changing circumstances may require changes to those procedures and protocols at any time.

We want to assure you that we are attempting to work out procedures that allow the work at the Courthouse to be done in an efficient and timely manner, while minimizing the exposure risk to all court participants and employees. The following provisions, as to Phase One only, are to minimize as much as possible the number of persons coming into the Courthouse during the first two (2) weeks of reopening. These protocols may be modified in Phases Two and Three.

## **SPECIFIC DOCKETS**

### **CRIMINAL**

- No defendant housed in the Tulsa County Jail shall be brought to the Courthouse unless specifically ordered by the assigned judge.
- In-Custody Arraignments and Bond Dockets shall continue to be conducted remotely by video technology.
- Further protocols for the Criminal dockets, upon Phase One reopening, are attached as Exhibit "A" and incorporated herein by this reference.

### **PROBATE**

Information and Procedures for the Probate Division, upon Phase One reopening, are attached as Exhibit "B" and incorporated herein by this reference.

### **CIVIL**

Information and Procedures for the Civil Division, upon Phase One reopening, are attached as Exhibit "C" and incorporated herein by this reference.

### **FAMILY**

Information and Procedures for the Family Division, including the protective order docket, upon Phase One reopening, are attached as Exhibit "D" and incorporated herein by this reference.

### **JUVENILE**

Information and Procedures for the Juvenile Division, upon Phase One reopening, are attached as Exhibit "E" and incorporated herein by this reference.

### **ALTERNATIVE COURTS**

Information and Procedures for Alternative Courts, upon Phase One reopening, are attached as Exhibit "F" and incorporated herein by this reference.

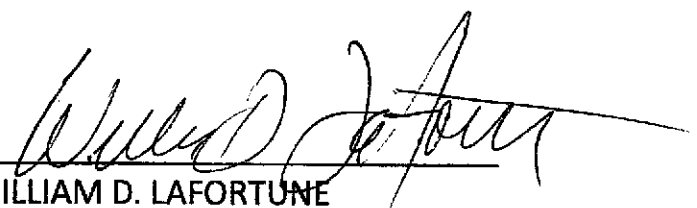
### JURY TRIALS

Jury trials previously set for May 18<sup>th</sup>, June 1<sup>st</sup> and June 15<sup>th</sup> are cancelled. Jury trial weeks, for criminal cases only, may be added during any or all of the first three (3) weeks of August. This will be announced during Phases Two and Three. In this regard, it is under consideration that criminal jury trials which were cancelled due to the crisis will be reset during these weeks. If so, the Court will assign district judges from other divisions to preside over criminal trials during any trial weeks added in August to assist with reducing the backlog.

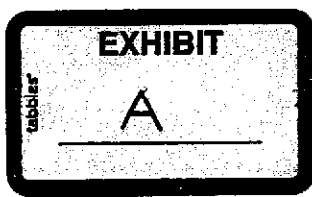
District Judges from other divisions assigned to preside over criminal trials during that time would continue all matters so that they would be able to assist with conducting these criminal trials which are necessary to ensure in-custody defendants receive the speedy trial to which they are entitled by law. However, such district judges may handle their pending matters if they are able to do so while presiding over criminal trials. Priority shall be given to in-custody defendants.

The Court will provide for appropriate jury assembly and trial venues which meet social distancing requirements.

It is anticipated that additional transitional orders reflecting the next phases of reopening will be entered as necessary. Further, this Order is subject to extension or modification as necessitated by their emergency.

  
WILLIAM D. LAFORTUNE  
PRESIDING JUDGE

5/11/20



## **CRIMINAL DOCKET**

1. **INITIAL APPEARANCES**: Out-of-custody Defendants scheduled to appear at preliminary hearings from May 18 to May 29 do not need to appear. The cases will be passed to a date after June 2, 2020 as designated by the Court. In-person appearances by Defendants will be limited to those in-custody only if a remote hearing is not possible or practical.
2. **MISDEMEANOR DOCKETS**: Out-of-custody Defendants scheduled to appear on the misdemeanor docket from May 18 to May 29 do not need to appear. The cases will be passed to a date after June 2, 2020 as designated by the Court. In-person appearances by Defendants will be limited to those persons in-custody only if a remote hearing is not possible or practical.
3. **PRELIMINARY HEARINGS**: Out-of-custody Defendants scheduled to appear at preliminary hearings from May 18 to May 29 do not need to appear. Those cases will be passed to a date after June 2, 2020 as designated by the Court. During this period, only preliminary hearings involving in-custody Defendants will be in-person if a remote hearing is not possible or practical.
4. **DISTRICT COURT ARRAIGNMENTS**: Out-of-custody Defendants scheduled to appear in any Tulsa County District Court from May 18 to May 29 do not need to appear. The cases will be passed to a date after June 1, 2020 as designated by the Court. During this period, only hearings or proceedings involving in-custody Defendants will be in person if a remote hearing is not possible or practical. Hearings or proceedings that do not require an appearance by the Defendant (such as an Allen hearing) will be left to the Court's discretion as to whether it will be reset.
5. **JURY TRIALS**: Jury trials for May and June are stricken and will be re-set by the Court. Defendants should not appear for their trial setting. The Court will notify their attorneys of the new trial date.
6. **TRAFFIC TICKETS**: The traffic docket will not be open from May 18 to May 29. Anyone with a court setting during that time will be re-set sometime after June 2, 2020.
7. **TULSA ALTERNATIVE COURTS**: The protocol is listed in a separate subsection of this Administrative Order.
8. **COURT COST HEARINGS AND ALL OTHER PROCEEDINGS NOT LISTED ABOVE**: Out-of-custody Defendants do not need to appear at any other types



of hearings or scheduled docket appearances between May 18 to May 29. Those cases will be passed to a date after June 2, 2020.

9. EXCEPTIONS: Courts will have discretion to handle any matter if it deems to be an emergency circumstance, either due to constitutional or statutory issues or for other unforeseen reasons. The Courts are encouraged to handle such matters remotely, but if that is not feasible or practical, an in-person appearance is allowed with appropriate safeguards (i.e., health/safety, social guidelines).

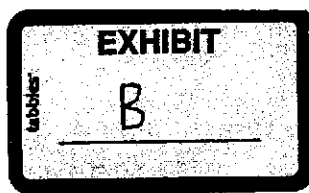
10. COMMUNITY SERVICE: The Court authorizes Court Services to grant Defendants up to a 120-day extension on community service for those who were unable to do their assigned community service between March 18, 2020 and June 1, 2020. Court Services shall notify the assigned Court of the extension.

11. FUTURE SCHEDULING FOR DOCKETS: In scheduling and re-scheduling cases on the docket, judges should follow SCAD 2020-36 requirements, including having "not more than 10 persons including the judge and court personnel in a courtroom or other area at one time." That number may be increased should the Oklahoma Supreme Court issue such a directive. Each court must determine the dates of the next appearances for the Defendants passed during this period. Each court should keep a typed list with the Defendant's name, case number and new date and present that to the court administration no later than May 14. When continuing these matters, judges and their clerks shall be mindful to stagger the continuance dates and times so as not to create large dockets on any given day in the future.

Courts also should take into consideration constitutional and statutory issues as well as public safety concerns in prioritizing future dockets. In scheduling future dockets, the Court should also consider social distancing and safety/health concerns for staff, attorneys, parties and the public in light of the space available in the courtroom. Courts on the same floor also must communicate and work with each other to limit the number of people appearing in courts on the same floor consistent with these guidelines. The Courts are encouraged to identify and handle any future hearing or proceeding remotely when practical to do so in an effort to reduce in-person appearances in the courthouse. (See SCAD 2020-36, #11).

12. NOTIFICATION OF DEFENDANTS FOR FUTURE TRIAL DATES: All Defendants should look on OSCN on or after May 18 to learn their next court date and/or contact their attorney. The Court also will request attorneys to

assist in the notification of their clients. The Court also will use the media, social media and its website to the extent practical to help notify Defendants of their next court date.



**PROBATE, TRUST, GUARDIANSHIP and ADOPTION PROCEDURES**  
**(Non- DHS Adoptions)**  
**Pursuant to AO-2020-5**  
Phase One

1. There will be no "cattle call dockets."
2. During the period of the COVID-19 outbreak and at the Court's discretion, social distancing in the courtroom will be strictly enforced. No more than ten (10) persons shall be allowed in the courtroom at the same time. All persons entering the courtroom shall wear masks that cover the mouth and nose or will be denied admission. No person shall enter the courtroom more than ten (10) minutes prior to the court event. Counsel and parties should immediately depart the courtroom at the conclusion of their matter.

Counsel shall ensure that their clients, witnesses, and other persons interested in the matter are aware of this special requirement. Please discourage unnecessary persons from attending the proceedings.

3. Each case will be assigned a specific date and time depending on the matter/issue involved. The general schedule will be:

**\*Monday, Tuesday, and Thursday**

Morning: General Probate, Trust and Sale Matters  
Special Settings

Afternoon: Appointments (GAL, Special Administrator, Successors)  
Emergency Matters and TRO's  
Contested Hearings  
Consent to Adoptions

**\*Wednesday**

Morning: Final Accountings and Summary Administrations

Afternoon: Appointments (GAL, Special Administrator, Successor's)  
Emergency Matters and TRO's  
Contested Hearings

**\*Friday**

Morning: Status Conferences and Pre-Trials  
AWOC/Termination Initial Appearances  
Uncontested Best Interest Hearings

Afternoon:     Final Adoptions-Minors  
                    Final Adoptions-Adults  
                    Re-Adoptions

4. Rule 34 video/telephone conferences and hearings are encouraged and will be held at the Court's discretion. Video conferences by use of the "Zoom" platform are not permitted. Contact the clerk at least 48 hours in advance to arrange a docket setting. The Court will not conduct Best Interest hearings by video/telephone conference.
5. Counsel may wish to submit an affidavit in lieu of testimony for appointment of Personal Representatives and admission of Last Will and Testament. See attached exhibit "A."

This procedure does not apply to intestate matters or the admission of holographic wills.

Should counsel avail themselves of this procedure and wish to avoid the in-person or video court appearance, all documents must be submitted no later than 48 hours in advance of the hearing. In the event of a contest, the matter will be stricken and re-set in regular order.

### **GUARDIANSHIP PROCEDURE** **Pursuant to AO-2020-5**

1. There will be no "cattle call dockets."
2. During the period of the COVID-19 outbreak and at the Court's discretion, social distancing in the courtroom will be strictly enforced. No more than ten (10) persons shall be allowed in the courtroom at the same time. All persons entering the courtroom shall wear masks that cover the mouth and nose or will be denied admission. No person shall enter the courtroom more than ten (10) minutes prior to the court event. Counsel and parties should immediately depart the courtroom at the conclusion of their matter.

Counsel shall ensure that their clients and witnesses are aware of this special requirement.

3. Each case will be assigned a specific date and time depending on the matter/issue involved. The general schedule will be:

**\*MONDAY, TUESDAY and THURSDAY**

Morning docket

show cause on emergencies  
appointment of guardians

review CANIS setting

Afternoon docket

Termination  
Attorney fees  
Modify/enforce visitation  
Removal/resignation of guardian  
Relocate/travel  
contempt  
pre-trial/status conferences

\*TUESDAY ONLY

1:30

adoption consents (must be docketed 48 hours in advance)

\*WEDNESDAY and FRIDAY

morning &  
afternoon

trials

EMERGENCY GUARDIANSHIP/ADULT and CHILD

\*must be filed with the Clerk before 1 p.m.

\*all statutory requirements and background checks are  
strictly enforced

\*hearings held daily at 3 p.m.

4. Rule 34 video/telephone conferences and hearings are encouraged and will be held at the Court's discretion. Video conferences by use of the "Zoom" platform are not permitted. Contact the clerk at least 48 hours in advance to arrange a docket setting.

IN THE MATTER OF THE ESTATE OF: )  
 ) Case No. \_\_\_\_\_  
\_\_\_\_\_, Deceased. )

\_\_\_\_\_, attorney for the Personal Representative,  
\_\_\_\_\_, being first duly sworn, and upon oath and as an officer of the Court,  
states as follows:

6. I have been the attorney for the Decedent and/or the family, and I am not aware of any other wills and/or codicils. In addition, I have questioned the family who have reported that they are not aware of any other codicil or Last Will and Testament of the Decedent.

**EXHIBIT "A"**

7. At the time that the Decedent signed the Last Will and Testament, he/she was of sound mind and capable of making a testamentary disposition of his/her property.

8. I personally witnessed the Decedent execute and sign the Last Will and Testament and/or the Will was executed according to the Oklahoma Statutes as a self-proving will.

9. A diligent search was used to determine the heirs of the decedent.

10. Notice of his death was published in the Tulsa World/Tulsa Beacon for two consecutive weeks and no heirs have come forward other than those listed in the Petition and this Affidavit.

11. The names, ages and residences of all the potential heirs of the Decedent are as follows:

	NAME/ADDRESS OF HEIRS	AGE	RELATIONSHIP
A.			
B.			
C.			
D.			

12. The names, ages and residences of all potential legatees and devisees of the Decedent are as follows:

	NAME/ADDRESS OF DEVISEES AND LEGATEES	AGE	RELATIONSHIP
A.			
B.			
C.			
D.			

13. The Court should determine that the sole heirs at law of the Decedent are:

	NAME/ADDRESS OF HEIRS	AGE	RELATIONSHIP
A.			

EXHIBIT "A"

	NAME/ADDRESS OF HEIRS	AGE	RELATIONSHIP
B.			
C.			
D.			

14. The Court should determine that the sole devisees and legatees of the Decedent are:

	NAME/ADDRESS OF DEVISEES AND LEGATEES	AGE	RELATIONSHIP
A.			
B.			
C.			
D.			

15. The Decedent did not have any children, natural or adopted, other than those named above, and that no child, natural or adopted, predeceased him or left any surviving heirs, nor was any child placed for adoption.

16. The sole heirs-at-law and devisees/legatees of the Decedent are those listed above. There are no other heirs, devisees and legatees known to the Petitioner.

17. All of the heirs, including the Personal Representative, have executed a Consent to the appointment of \_\_\_\_\_, as Personal Representative without bond, and to the authority granted by 58 O. S. §239 for the sale of property by the Personal Representative, which is the subject of the probate.

18. **IF APPLICABLE:** Notice of the Hearing was originally set on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_\_ o'clock \_\_\_\_M for the appointment of the Personal Representative and §239 authorization. The hearing will be continued due to the COVID-19 Proclamations and Orders closing the District Courts in the State of Oklahoma. A date has not been reset at present.

19. The publication notice was made in the Tulsa Beacon/Tulsa World in accordance with the Oklahoma Statutes, which Affidavit of Publication was filed on \_\_\_\_\_.

20. An Affidavit of Mailing Notice of the Petition for Probate, Order for Hearing and Notice of Hearing, together with the Last Will and Testament, was sent to all of the above named

**EXHIBIT "A"**



21. **IF APPLICABLE:** A Contract for the sale of the real property has been entered into, which Contract is anticipated may close prior to the re-opening of the Courts necessitating the request that the Court consider this Affidavit as the testimony that will be submitted in Court for the admission of the Last Will and Testament, together with the Appointment of the Personal Representative and §239 sale authorization. The Affiant requests that this Affidavit be transcribed as testimony in lieu of a hearing.

23. Affiant further sayeth not.

**Cell Phone Number**

Before me, the undersigned, a Notary Public, in and for said County and State, on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, personally appeared [ATTORNEY'S NAME] to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

Notary Public

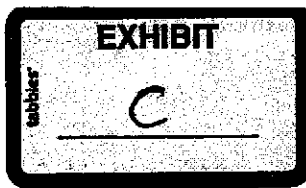
**EXHIBIT "A"**

of the Last Will and Testament of [Decedent's Name] has been approved on this \_\_\_\_\_  
day of \_\_\_\_\_, 2020 and Orders that a copy of this Affidavit be transcribed  
in lieu of appearance and testimony.

---

**KURT GLASSCO**  
JUDGE OF THE DISTRICT COURT

**EXHIBIT "A"**



In compliance with the SCAD(s) and AO(s) due to the COVID 19 pandemic, it is necessary to make adjustments to the scheduling of dockets in the CIVIL DIVISION until further order of the court.

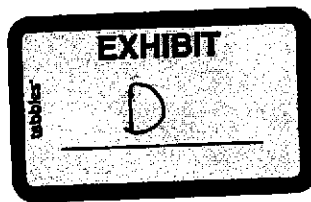
**All cases assigned to District Judges of the Civil Division** shall be heard at such date and time deemed reasonable and necessary by the District Judge assigned to the matter. All hearings shall be conducted in compliance with the SCAD(s) and AO(s) in effect. Dockets scheduled beginning May 18, 2020 may be stricken to be reset upon application. Applications to set/reset hearings shall be submitted to the District Judge assigned to the matter. Interested parties should check OSCN for the specific case number prior to coming to the courthouse for a hearing scheduled May 18, 2020 and thereafter and/or contact the office of the District Judge assigned to the matter.

**Civil matters assigned to Special Judge Kirsten Pace** shall be stricken to be reset upon application, with the exception of Mental Health matters. Judge Pace shall continue to conduct proceedings in Mental Health matters under the orders in effect at this time until further order of the court. Applications to set/reset civil matters assigned to Judge Pace shall be filed in the matter with a copy of the Application and proposed Order Setting Hearing delivered to Judge Pace. Copies shall be submitted to Judge Pace by delivering an extra copy at the time of filing with the Clerk of the Court at the filing desk on the 2<sup>nd</sup> Floor of the Tulsa County Courthouse, or a copy may be submitted to the office of Judge Kirsten Pace via email, USMail or other third party commercial mail delivery.

**ALL Matters assigned to Special Judge Deborrah Ludi Leitch** from May 18 to May 29, 2020, shall be stricken and will be reset upon application. All hearing dates shall be approved by order of Judge Ludi Leitch. Specific forms of hearing may be required based on the type of matter as more fully described below. In cases which do not require a specific form of hearing, Applications for hearing shall be filed in the matter with a copy of the Application and proposed Order Setting Hearing delivered to the office of Judge Ludi Leitch. An inbox for hand delivering copies to Judge Ludi Leitch is located outside courtroom 112 of the Tulsa County Courthouse. Copies may be delivered by providing an extra copy at the time of filing with the Clerk of the Court at the filing desk on the 2<sup>nd</sup> Floor of the Tulsa County Courthouse, or a copy may be submitted to the office of Judge Ludi Leitch via USMail or other third party commercial mail delivery.

1. **F.E.D. MATTERS** – Plaintiffs shall comply with the filing of the Verification as to status of property under CARES Act on the form as required by SCAD 2020-38. Plaintiffs shall be required to issue notice of hearing as provided by law. Hearing date/time/location shall be authorized by Judge Ludi Leitch on the form and in the manner provided by law.
2. **SMALL CLAIMS** – Hearing date/time/location shall be authorized by Judge Ludi Leitch on the form and in the manner provided by law. Matters stricken shall be reset by Application of Plaintiff and Order Setting Hearing. Plaintiff shall serve notice of hearing as provided by law.
3. **ASSET HEARINGS** - Hearing date/time/location shall be authorized by Judge Ludi Leitch on the form and in the manner provided by law. Matters stricken shall be reset by Application of Creditor and Order Setting Hearing. Creditor shall serve notice of hearing as provided by law.

4. **CLAIMS FOR EXEMPTION** - Hearing date/time/location shall be authorized by Judge Ludi Leitch on the form and in the manner provided by law. Matters stricken shall be reset by Application of CREDITOR and Order Setting Hearing. CREDITOR shall serve notice of hearing as provided by law.



## Family Court Dockets

### **I. General Recommendations for Dockets A-D, 3<sup>rd</sup> Floor**

**GENERAL PUBLIC:** Only the lawyers, parties and witnesses are allowed in all Family Division courtrooms and waiting spaces. No family members, partners, or other support persons or children are allowed unless they are a witness present to testify at a hearing set that day.

**BAILIFF:** The third-floor domestic shares one Bailiff. The Bailiff will assist with crowd control into and out of the third floor waiting area and ensure that social distancing requirements of the District Court are enforced.

**PPE:** All PPE requirements of the Supreme Court and District Court shall be enforced. Due to the lack of gloves, and in keeping with National Center for State Courts' literature, it is recommended that all Judges and court personnel break for hand washing once per hour during any in-person hearings.

**DOORS TO COURTROOM AND BOTH DOUBLE DOORS WILL CONTINUE TO BE LOCKED:**

To protect the health and safety of judges and other court employees, both the "in and out boxes" for the attorneys will remain in the common area of the Family Division. Neither the public, litigants or attorneys are allowed in the clerks' area during Phase 1 or until restrictions are eased by further order of the District Court.

**LAWYER CONFERENCING WITH OPPOSING COUNSEL AND COURT:**

Lawyers must confer 2 weeks ahead of their scheduled hearing in an attempt to resolve or reduce the issues for hearing. After conferring, the lawyers shall notify the court not later than 10 days ahead of the court date whether the matter to be heard has been resolved or is ready to be heard.

If a hearing is necessary, court and counsel will determine whether an in-person hearing or tele/video hearing will be conducted. If an in-person hearing is required, the court will determine the time of the hearing so that all in-person hearings for each judge are appropriately spaced out in keeping with the schedule herein. If a conference telephone

call or videoconference will be held, either the court may initiate it or direct counsel to do so.

All conferencing/negotiating must be conducted out of the courthouse and before hearings. All parties must exit the courthouse promptly following court hearings so that other hearings can be appropriately spaced.

#### **DOCKET TRIAGE:**

In coordination with the lawyer conferencing as set out above, every Friday each division judge will triage their upcoming docket and, with the assistance of their clerk, make determinations as to any hearings that are moot or need to be re-scheduled or stricken. The Family Court Resource Coordinator can assist the Judges and Clerks in contacting any counsel who have not already contacted the court as to the readiness of their case.

#### **TELEPHONE OR VIDEOCONFERENCING FOR HEARINGS:**

In each judges' discretion and to the fullest extent possible, telephone or videoconferencing shall be used to hear cases on the docket. The following types of hearings shall be conducted with the assistance of technology, either by telephone conference call or by videoconferencing:

Arraignments

Agreed Divorces

Status Conferences

Motions to Compel Discovery

Discovery disputes

Motions – basic

Motions to Enforce Visitation

Motion to Enforce Settlement

Show Cause Hearings

## SCHEDULING FOR TECHNOLOGY-ASSISTED HEARINGS AND IN-PERSON HEARINGS:

Each Judge will set certain blocks of time each day for technology-assisted hearings and in-person hearings as set out in the spreadsheet below. The in-person hearings will be staggered among the 3<sup>rd</sup> floor judges to reduce the number of people in the 3<sup>rd</sup> floor family courts. At no time will the courtroom have more than the current government-mandated number of people in the courtroom. Each judge, in his or her discretion, may have fewer numbers of people based upon the size of the courtroom and the need for social distancing and balancing those needs against the needs for access to justice and the timely resolution of cases. The Court may initiate tele-or videoconferencing or may direct counsel to do so. Any evidentiary hearing or trial will be specially set by the Judge in a manner that does not create a large "docket call." *The chart below references FD Dockets A through E and may change as the judges' workload requires but will be used during Phase 1 or until restrictions are eased by further order of the District Court.*

	In-Person Hearings 9:00 a.m.	In-Person Hearings 1:30 p.m.	Telephone/Video Hearings	Trials and Evidentiary Hearings
Monday	A and E	B	B 9:00; A and E 1:30	
Tuesday	C	D	D 9:00; C 1:30	
Wednesday				A through E
Thursday				A through E
Friday				A through E

## AGREED DIVORCES:

To facilitate timely resolution of cases and reduce any backlog, Agreed Divorces will be heard daily at 1:00.

Any pro se litigants appearing for an Agreed Divorce shall check in first with the 2<sup>nd</sup> Floor Domestic Clerk's Desk to be directed to their assigned judge. To ensure proper social distancing, the Clerk's desk shall send no more than 3 cases at a time, in 15-minute increments, to the assigned judge.

Pro se litigants with access to technology must email any proposed Decree of Dissolution/Divorce and supporting jurisdictional affidavits to their judge's minute clerk for the judge's review.

## **II. Docket E, 1<sup>st</sup> Floor-- Judge Evans**

Judge Evans will use the protocols and schedule set out above.

## **IV. PPC Docket, 6<sup>th</sup> Floor—Judge Doss**

Until August 1, 2020 or further order of the District Court easing restrictions, PPC Dockets will be significantly reduced as follows:

- The PPC will be waived for anyone who has reached an Agreed TO and completed an online divorce adjustment workshop through Family & Children's Services (Helping Children Cope with Divorce) or OSU's Parenting Through Divorce within 30 days of filing for divorce.
- Both the Judge's comments to the parents and the video "Listen to the Voices of the Children of Divorce" they watch about the impact of divorce on children will be available on the Court's website and parties will fill out an attestation they have watched both.
- PPC docket numbers overall will be reduced to meet both federal and state mandates as to the number of people who may be present in one room and also spread out between a 9:00 and 10:30 docket.
- When parties come to the PPC docket, it will be limited to negotiating a Temporary Order, getting any information they need about community resources, and getting a referral to their trial judge if they need a TO Hearing.
- Helping Children Cope with Divorce as well as the OSU Divorce Workshop will continue to be available online.
- District Judge Wall has given permission for Courtroom 601 to be used, in addition to the ceremonial Courtroom 605, for appropriate spacing of litigants and lawyers.



## **V. Child Support Dockets 6<sup>th</sup> floor—Judge Doss**

**General:** All in-person cases shall be staggered by setting specific appointment times for each case rather than a docket call at 9:00. For contempt reviews – setting cases 15 minutes apart—and parties may not appear until 10 minutes before their appointed hearing.

### **Contempt Docket:**

#### **-Arraignments:**

- Arraignments BlueJeans,

#### **-Pre-Trial Stage:**

- The week a trial is set, the moving party shall notify the court's minute clerk by Wednesday whether or not the defendant is in compliance for proper spacing and scheduling of the Friday trial docket.

#### **-Trial Stage:**

- Plea agreements by email to the judge. The plea agreement contains the new date/time for the review hearing. No need for in-person appearances as Obligor will have notice of the review date from the plea agreement.
- BlueJeans videoconferencing shall be used to conduct a trial on the contempt action when the parties do not agree to enter a plea agreement.
  - Exhibits to be exchanged in advance and provided to the court in a time frame designated by the court.

#### **-Reviews:**

- In cases where COVID-19 has been the cause for non-compliance in a contempt action, no execution will issue and these reviews will be passed to another date.
- Many the contempt actions on the docket have been filed by the private bar and not by DHS Child Support Services (CSS). CSS is a necessary party but is not the moving party in these contempt actions. CSS can communicate its position as to compliance and execution in advance but the moving party may not agree with CSS' position.

- The court will hear in-person cases set for review of a non-compliant obligor where execution of sentence is requested by the moving party.
- CSS could appear remotely (by telephone or through BlueJeans).
- CSS would still need to sign off on any orders that take a judgment for past support.
- CSS may contact other parties in advance and make an announcement via email or virtual/phone appearance regarding a continuance or request for hearing.
- Upon a request by the moving party, an in-person appearance by a non-compliant obligor may be needed so that the obligor can be taken into custody immediately. All other parties could appear virtually via BlueJeans or telephone.
- The Court will recognize the obligor back for future review dates via BlueJeans or written continuance order mailed/emailed to the obligor.
- The Court will stagger the in-person cases on the docket and limiting the parties/counsel appearing in-person for each case as per above general guideline.

**-Purge Hearings:**

- CSS will appear virtually (telephonically or via BlueJeans) and/or email its position to the court in advance without the need for personal appearance. The obligor must appear in-person.

**Attorney Fee Hearings on Contempt cases**

The court will give all parties a date and time certain for their hearings which will be conducted by videoconference to the extent possible.

**VI. Protective Order Dockets**

**EMERGENCY PROTECTIVE ORDERS:**

All Emergency Protective Order petitions will be accompanied by an affidavit from the petitioner and the court will review, grant, or deny, and set any further hearing as necessary. Parties coming to the Clerk's Desk on the Second floor of the courthouse will be directed to the Family Safety Center for assistance.

**PROTECTIVE ORDER HEARINGS – Final or Continued:**

To the extent possible, Protective Order Hearings will be conducted with some parties appearing by videoconferencing, using BlueJeans videoconferencing or the Court's

internal closed-circuit system that was historically used for video EPO hearings. When it is not possible to conduct a hearing by videoconference, to maintain social distancing in the courthouse during the Covid-19 crisis:

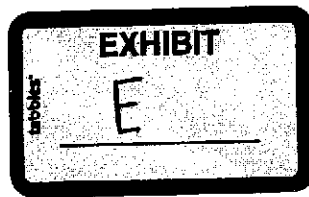
1. The Bailiff will greet parties in the hallway as they arrive for court. He will mark them present on his docket and record their phone numbers and email addresses for future use when we transition to BlueJeans for video hearings. This information is for Court and staff use only and will not be released to any other party.
2. The petitioners will be directed to take the stairs to the basement and then to the jury assembly room (the Court Clerk has authorized us to use this space until the end of July). Respondents will be directed to wait elsewhere until called for their hearing.
3. In the jury assembly room, an advocate or bailiff will also record their presence on a docket and direct them to their waiting area.
4. As the docket is called, the clerk in the courtroom will call or text the bailiff in the waiting area with the parties' names in the next case. The bailiff will first call the petitioner and explain how to take the stairs to courtroom 111, then repeat with the defendant. The parties will not have to meet or pass in the stairs or hallway.
5. After the hearing, the petitioner will be released 1<sup>st</sup>, and the defendant 10 – 15 minutes afterward.

Only the parties and their necessary witnesses will be allowed to enter the waiting area and courtroom. Only parties in a single case will be allowed in the courtroom at any given time.

The parties who have brought children will have their cases continued to another day and given instructions not to bring children.

Currently, the statutory "after hours" emergency protective order process is in use 24 hours per day. When the courts reopen on May 18, petitioners will again be able to file petitions at the Family Safety Center with a new system designed to insure social distancing.

PPE requirements of the Oklahoma Supreme Court and District Court must be observed to the fullest extent possible. Litigants without PPE should meet with the Bailiff first to determine whether PPE can be supplied by the court.



## **JUVENILE DIVISION PHASE ONE**

The following procedures facilitate social distancing necessitated by the COVID-19 public health emergency. The goal is to minimize risks to court personnel, persons who serve the court, families and children served by the Court, and the public while conducting constitutionally required, urgent, and emergency court proceedings.

The following list of procedures is subject to immediate change as the public health crisis evolves and situations develop that have not been contemplated as of this time. The Juvenile Division court team including DHS staff will continue to communicate issues and concerns related to the listed procedures and additional necessary procedures.

### **Persons Prohibited from Entering Family Center for Juvenile Justice**

1. Persons who have been diagnosed with or have direct contact with anyone diagnosed with COVID-19.
2. Persons with symptoms of COVID-19 such as fever, severe cough, or shortness of breath.
3. Persons who have, or who live with or have close contact with persons who have, traveled to any country outside of the U.S. in the past 14 days.
4. Persons who are quarantined or isolated by any doctor or who voluntarily quarantine.
5. Persons whose access is otherwise restricted by order of the County Commissioners.

If you fall within one of these categories, contact your attorney, and if you have no attorney, call the court clerk's office for the Family Center for Juvenile Justice at 918-596-5913

### **DEPRIVED MATTERS:**

- **Show Cause Hearings:** The Court will continue to hold show cause hearings telephonically through BlueJeans. DHS liaisons/minute clerks will notify all parties and attorneys by email/telephone/text when the hearing is set to begin. Parties, attorneys, Tribes are not to call in for their hearings until the liaison or clerk notifies them to do so.
- **Filing Announcements:**
  - ADA will need to email the petition to all parties prior to the filing announcement date.
  - NPs, Parent's Attorneys, DHS, ADA, Tribes shall appear telephonically via BlueJeans.
  - ADA will need to serve NPs with an Adjudication date.
  - The Court will take stipulations at filing announcement if time permits.

- **Adjudication Hearings (announcement):**
  - Unless parent(s) have stipulated by affidavit, all parties, counsel, DHS and Tribes shall appear telephonically through BlueJeans. If a parent has stipulated by affidavit, the parent and attorney do not need to appear.
  - DHS liaisons/minute clerks will notify all parties and attorneys by email/telephone/text when the hearing is set to begin. Parties, attorneys, Tribes, DHS. etc., are not to call in for their hearings until the liaison or clerk notifies them to do so.
  - The Court may take stipulations telephonically through BlueJeans or by affidavit.
  - If the stipulation is by affidavit, the parent's attorney should provide a copy of the affidavit 24 hours in advance to the Court, ADA, DHS, Tribes, other parent's attorney.
  - If the stipulation is telephonic, all parties should be aware that a court reporter may not be available. However, the Court will endeavor to record the proceeding by other electronic means.
  - If DHS has prepared a proposed ISP, it shall present the ISP to all parties, the Court, and the Tribe at least one week in advance. If any party objects to all or some of the proposed ISP, the attorney should email the court case manager about the objection; the Court will decide on those objections and enter the ISP or set another disposition date. If DHS has not prepared or presented an ISP or if a further hearing is necessary, the Court will give a disposition date.
  - The Court will provide parents a NJT date if they do not wish to stipulate.
- **Expired or Expiring Emergency Custody Orders (ECO):**
  - *Cases where the ECO is expiring before April 20, 2020:*
    - If the case has previously been rescheduled by the Court:
      - The State shall provide an affidavit to the Court requesting that the minor child/children be placed back into the emergency custody of the state.
      - This affidavit shall contain all the efforts provided by the state to reunify the family since the time that the minor child/children were placed in state's custody; as well as all efforts the family has made to correct the conditions that lead to the minor child/children being removed from their home.
      - This affidavit shall state with specificity the safety concerns of the family home and why the minor child/children cannot be safely returned to their family home or why the case cannot be modified to a family services case.
      - Prior to presenting the affidavit to the Court, the State shall provide appropriate notice to all parties of their intent to request an ex parte order from the Court.
      - If the Court grants the State's request for a new ECO, the Court shall schedule an emergency show cause hearing within 48 business hours; unless waived by parent(s) counsel. This hearing shall follow the procedures set out in the adjudication hearings section.
    - If the Court has not previously rescheduled the case, the Court will heard the case following the procedures set out in the adjudication hearings section.
  - *Cases where the ECO is expiring after April 20, 2020:*
    - The Court shall hear these on the scheduled date and by the procedures set out in the non-jury trials section.

- **Non-Jury Adjudication Trials** will be held as follows:
  - Attorneys, NPs, DHS, Tribes, etc., shall appear telephonically, unless stipulating by affidavit.
  - A parent may stipulate on the day of the NJT. See the instructions above for Adjudication (announcements).
  - If a parent does not wish to stipulate, the Court will pass the NJT to another date. Should a parent fail to appear telephonically (unless the parent has entered a stipulation by affidavit), the Court may take a consent adjudication and/or IT under advisement and send notice to appear to the NP at his/her last known address. The Court requests that DHS, parties, the Tribe, and attorneys assist the Court with updated addresses if known.
  - If the emergency temporary order is set to expire and a parent wishes to proceed, the Court will conduct the NJT telephonically by BlueJeans. All parties should be aware that the Court may not have a court reporter available. However, the Court will endeavor to record the NJT by other electronic means.
  
- **Permanency Hearings:**
  - DHS, CASA, and Tribe, etc. will submit written reports to all parties and the court case manager, 7 days in advance of the scheduled hearing. DHS liaisons shall continue to print copies for the Court.
  - The parties will respond in writing via email to the Court case manager to provide input; e.g., proposals, objections, recommendations. The parties shall provide their responses to all other parties at least one day prior to the scheduled hearing.
  - After considering all information from the parties, the Court will enter an order. The order will have the DHS report, supporting documents, and email communications attached.
  - The Court clerk/bailiff will mail a copy of the order to parents at their last known addresses and mail/email a copy of the order to parents' attorneys. Attorneys should notify the Court case manager if the attorney is willing to accept the order on behalf of clients.
  - If there is an objection to the order entered, the objecting party may file a motion within 15 days and a request to have the matter set for hearing.
  - The Court is waiving the appearances of parties, attorneys, DHS, Tribes, and CASA.
  - The Court will send Notices to Appear for future hearings to the NPs at their last known addresses. The Court requests that DHS, parties, the Tribe, and attorneys assist the Court with updated addresses if known.
  
- **Permanent Custody Hearings:**
  - The Court will conduct permanent custody hearings via paper review and enter appropriate orders (refer to Permanency Hearings above). If a child wishes to be present, the court will attempt to arrange with DHS and child's attorney for the child to appear telephonically by BlueJeans.
  - NOTE: For DKT D Permanency Hearings that are scheduled for Friday, April 24<sup>th</sup>, the next Permanency Hearing date will be 10-30-20 and time will be the same as noted on the April 24<sup>th</sup> docket.
  
- **Jury trials** scheduled in ~~May~~ and ~~June~~ will be passed

- The Court will take consents under advisement and send notice to the parents regarding the continued JT date/time.
- The Court will send Notices to Appear for Jury Trial to the NPs at their last known addresses. The Court requests that DHS, parties, the Tribe, and attorneys assist the Court with updated addresses if known.
- Attorneys shall cancel writs for the above jury terms.

DHS: When submitting court reports via email, 1) ensure all parties are on the email; 2) in the email, please provide the NP's current address and phone number, so notices can be sent and attorneys can make contact with their clients; 3) send separate email directly to the child(ren)'s attorneys to ensure they have the most updated placement information, so they may make contact with their client(s).

## **DELINQUENT/DETENTION MATTERS:**

**Filing dockets** shall not be scheduled until after May 15, 2020.

**Detention hearings** will continue to be conducted telephonically through BlueJeans. The detained juvenile will participate through BlueJeans. Clerks will notify parents and attorneys by email/telephone/text when the hearing is set to begin. Parents, attorneys, counselors, DHS, and other interested parties are not to call in to the hearings until the clerk notifies them to do so.

**Surrender hearings** should be coordinated without juvenile's and parents' appearances through child's attorney or child's in-take or probation counselor; child's attorney or the counselor will obtain a court date from the court clerk at 918-596-5913. The Court will recall warrants pending appearance at future date.

**All delinquent case settings** excepting detention hearings will be continued to a date after May 15, 2020.

**Detention visitation and interviews** are discontinued. Reasonable telephonic visitation with parents allowed. CWS to contact Detention Main Control to set up time for telephone contact with child. CPS, attorneys, APDs to contact Detention Main Control to make arrangements for private calls with child.

## **INT**

The Court will hold INT Initial Hearings and reviews telephonically through BlueJeans. Attorneys, therapists, DHS, children and Tribes are to appear telephonically if a hearing is necessary.

## **ADOPTIONS**

Adoption finalization hearing will be conducted via Skype, Facetime, or similar methods without adoptive parents and child(ren) appearing in Court. Adoptive parent's attorney will be required to identify the adoptive parents and child(ren) through the selected methodology and confirm their identity to the Court. Attorneys shall provide the Court with finalization pleadings, orders

at least one day before the finalization hearing. DHS and Tribes shall appear and provide required testimony through BlueJeans



## **Proposed Steps for Court Involvement**

### **I. Case Closure- in the event a case is ready for closure, the following will occur. All requests will be approved by a supervisor prior to being sent.**

1. The counselor will contact all parties (child's attorney, District Attorney, Judge, child and their legal guardian) via email explaining in detail the reason for the closure request, identifying the youth by name and case number/s.
2. Should all parties accept the recommended closure, the case will be closed administratively by the court, with the court advising all parties of the decision.
3. Should any party not agree with the recommendation; email discussions or phone discussions should occur to attempt to rectify the issues.
4. Should that fail, a hearing will be set and the standard for operating any court hearing at the time said hearing will be applicable.

NOTE: It is possible, with judicial approval and with the notification of all parties that the probation supervision level be changed to unsupervised probation. This would reward the youth during this time while we wait for the normalcy of the court process to return.

Emergency hearings- The need for any emergency hearing will be limited and all other avenues of corrective actions will be taken prior to the arrangement of any such hearings. Supervisory approval is required to request a hearing.

Issues requiring the involvement of the court may include the following: matters of temporary guardianship, unforeseen changes in living situations, medical treatment, school enrollment, or diversion of any funding received for care of the youth. Additionally, certain issues such as release from treatment or placement that involve domestic cases or mental health issues creating an unsafe situation in the home will warrant court review and perhaps judicial intervention to obtain alternate living arrangements including placement in detention for community and safety regarding the youth and/or family.

### **II. In such cases the following represents potential steps to be followed:**

- ~~2-1.~~ \_\_\_\_\_ Counselors will staff the case with supervisors to determine the possible resolutions and interventions required to insure safety of all parties.
- ~~3-2.~~ \_\_\_\_\_ Should the best option for resolution require the courts involvement, all parties of the legal team would be informed via email of the issue and the recommended resolution.
- ~~4-3.~~ \_\_\_\_\_ All parties, respective to their roles, would provide input and/or guidance regarding the proposal and if formal hearings must be held to resolve the legal issues

present. If there are none and there is agreement with the resolution, all parties will move forward utilizing electronic means of communication when at all possible until such time in person hearings can occur.

5-4. \_\_\_\_\_ All documents to be served or signed in person will be printed, signed by present parties and either emailed or distributed by the requesting counselor to the legal guardian, per current safety precautions outlined by the Governor, Courts and Health Department and returned to the appropriate parties within the agency.



## Tulsa Alternative Courts COVID-19 Back to Court Plan

All Court Appearances: (Drug, DUI, Mental Health, Veterans Treatment, and Co-Occurring Courts)

- a. Beginning Monday May 18, 2020
- b. All participants appearing for court will be strongly encouraged to wear a cloth facemask while in the court house.
- c. Tulsa Alternative Courts will limit the number of participants that appear for court and regulate traffic flow in the following ways:
  - i. Each docket will be limited to allow 30 participants for each review.
    1. Each team will use their discretion as to whom they would like to appear before the Judge during that specific docket review.
    2. It will be the responsibility of each team to notify participants of their responsibility to report for court or not.
    3. It will also be the responsibility of each team to ensure that each participant being asked to report to the court house understand the protocols and guidelines that have been put into place. I.e.: face masks, checking in with the "door man", where to sit and stand, etc...
  - ii. Only 10 participants will be allowed in the court room at a time (or the number consistent with the applicable SCAD Order).
    1. At an average of 3-4 minutes spent with each participant, this allows for the team and Judge to allot 1 hour per every 10 participants.
    2. 2 hour max per review docket
    3. It is suggested to have (2) 1-hour time slots and schedule participants accordingly to assist in regulating traffic.
  - iii. Each docket will have a "door man" to help regulate the traffic flow into the court room and to manage and ensure that only 10 participants are in the court room at any given time.
- d. Each court will have brightly colored and laminated signs designating the appropriate spacing on gallery benches and designating the appropriate place to stand at the bench to allow for physical distancing when speaking to the Judge and the team.
  - i. These signs will be disinfected and cleaned after each use.
- e. Program administration will provide masks and disinfecting wipes to each coordinator as long as supplies can continue to be purchased.
- f. Court appearances via the BlueJeans platform will be made available to each team as an option to utilize for those participants NOT required to appear in-person for court that week. The use of this resource in this capacity will be left to the discretion of each team.

These policies will start on Monday May 18, 2020 and will expire on May 29, 2020.

- g. The above listed policies will be reviewed prior to Phase Two.
- h. Program Administration reserves the right to extend the expiration date based on current guidelines issued by the appropriate court and health authorities.