

20S-CB-148  
LAGRANGE COUNTY CIRCUIT AND SUPERIOR COURTS

LAGRANGE, IN

EMERGENCY PETITION PURSUANT TO ADMINISTRATIVE RULE 17

Come now the Courts of LaGrange County, Indiana and petition the Supreme Court for relief under Indiana Administrative Rule 17. In support of the Petition, the Courts inform the Supreme Court as follows:

1. The Courts of LaGrange County, Indiana have convened en banc and have determined:
  - a. That the COVID-19 or corona virus is spreading across the nation, state and world.
  - b. That on March 6, 2020, Governor Eric Holcomb signed an executive order declaring an emergency related to the corona virus.
  - c. That the World Health Organization has declared the coronavirus outbreak a pandemic.
  - d. That the local courts have appointed Judge Lisa Bowen-Slaven as the presiding Judge for this emergency.
  - e. The Judges of LaGrange County request that the Supreme Court declare that an emergency exists in LaGrange County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for LaGrange County directing and allowing the courts and the clerk of the LaGrange County Courts to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency.
  - f. The LaGrange County Courts' emergency plan which would take effect upon approval and continue through May 29, 2020, is as follows:
    - i. The Court will hold pre-trial and discovery status hearings by counsel only. Counsel may appear remotely via conference call. Counsel may submit a simple "Notice of Remote Appearance" prior to the scheduled hearing.
    - ii. All civil non-evidentiary hearings, such as Proceedings Supplemental and Notice of Claim will be conducted via telephone. Plaintiff or Plaintiff's attorney shall provide the Defendant with a date and time that a telephonic hearing will be conducted. The Court will not penalize the Defendant for failing to appear at such telephonic proceeding. Counsel are encouraged to continue any Proceedings Supplemental to a date after May 29, 2020.
    - iii. Civil proceedings such as, protective order hearings, emergency CHINS proceedings, mental health, and evictions will continue to be held. The Court will take reasonable steps to limit the number of people attending hearings and trials to those who are essential to the proceedings, subject to the requirements of the applicable rules.

- iv. All criminal proceedings will be suspended except emergency motions and petitions, bond hearings, arraignments for inmates, initial hearings, emergency hearings and any criminal hearing or proceeding necessary to protect a Defendant's right to a speedy trial. To the extent that these hearings may be conducted via video conferencing from the jail, all criminal hearings for in-custody Defendants will be held via video conferencing.
- v. Criminal jury trials for non-incarcerated individuals will be continued until such time as the health risk no longer exists and until a pool of jurors can be assembled without health risk.
- vi. Civil jury trials will be continued until such time as the health risk no longer exists and until a pool of jurors can be assembled without health risk.
- vii. Flexibility will be exercised on requests for continuances of hearings.
- viii. The Sheriff of LaGrange County and Town Marshalls within LaGrange County will be requested to issue summonses for non-violent misdemeanor and low level felony cases. These will be set for Initial Hearing at times that do not present a health risk to the public. All law enforcement will be expected to use their own best judgment and discretion.
- ix. The issuance of body attachments in civil cases will be suspended during this emergency.
- x. Non-adjudicatory, non-detention Juvenile Delinquency, CHINS, and Juvenile Termination proceedings will be set and/or reset outside the statutory timeframe as deemed necessary by the Juvenile Court.

The LaGrange County Courts propose this plan to remain in effect until May 29, 2020.

Respectfully submitted,

  
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William R. Walz, IV  
Judge, LaGrange Circuit Court

  
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Lisa M. Bowen-Slaven  
Judge, LaGrange Superior Court