

IN THE MATTER OF THE PETITION )  
OF THE SPENCER CIRCUIT COURT )  
FOR ADMINISTRATIVE RULE 17 )  
EMERGENCY RELIEF DUE TO THE )  
NOVEL CORONAVIRUS (COVID-19) )

CAUSE NO. 20S-CB-180

**PETITION OF THE SPENCER CIRCUIT COURT**  
**TO ADOPT PLAN UNDER ADMINISTRATIVE RULE 17**

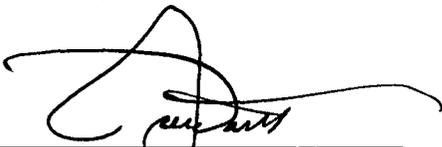
Comes now the Spencer Circuit Court and petitions the Supreme Court of Indiana for relief under Ind. Administrative Rule 17. In Support of this petition, the court informs the Supreme Court as follows:

- 1. The Spencer Circuit Court has convened and has determined:
  - A. The President of the United States, Donald J. Trump, has declared a national emergency regarding the COVID-19 outbreak.
  - B. Governor Eric Holcomb has declared a statewide health emergency and instituted additional steps to reduce the spread of COVID-19.
  - C. The Spencer County Health Department, via the Health Officer of Spencer County, has recommended the closure of schools within Spencer County effective on Monday, March 16, 2020 through Friday, April 3, 2020. The South Spencer School Corporation and the North Spencer School Corporation have adopted such measures.
  - D. The Spencer Circuit Court has implemented a plan to further the goal of limiting the spread of COVID-19 in accordance with the practices outlined by the United States Center for Disease Control and Governor Eric Holcomb.
  - E. The Spencer Circuit Court believes that limiting court appearances, as possible, is in the best interests of the citizens of Spencer County.

- F. On Tuesday, March 17, 2020, the Spencer County Board of Commissioners issued an Emergency Proclamation closing the Spencer County Courthouse to the public effective March 18, 2020 except for business by appointment.
- G. The Spencer Circuit Court has issued the attached Order (see ex. A) to mitigate the exposure of individuals to COVID-19 and other potentially fatal viruses.

The Judge of Spencer County Circuit Court requests that the Supreme Court of Indiana declare that an emergency exists in Spencer County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Spencer County directing and allowing the court and clerk of Spencer County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency.

Respectfully submitted by the Spencer County Circuit Court in Evansville, Indiana, this 17th day of March, 2020.



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Judge Jon A. Dartt

IN THE MATTER OF THE PETITION )  
OF THE SPENCER CIRCUIT COURT )  
FOR ADMINISTRATIVE RULE 17 )  
EMERGENCY RELIEF DUE TO THE )  
NOVEL CORONAVIRUS (COVID-19) )

IN THE SPENCER CIRCUIT COURT  
CAUSE NO. 74C01-2003-CB-~~000001~~

FILED  
SPENCER CIRCUIT COURT  
MAR 17 2020

Order

*Janet A. Small*  
CLERK SPENCER CIRCUIT COURT

On March 6, 2020, Governor Holcomb declared a public health emergency in Indiana relating to the 2019 novel coronavirus (COVID-19); and on March 13, President Trump declared a national emergency relating to the virus. The Centers for Disease Control and Prevention (CDC) has determined that “social distancing” is necessary to minimize further spread of the virus, and the Indiana State Department of Health has issued and will continue to issue recommendations.

Appropriate public health responses to the COVID-19 outbreak require limiting trial court operations and inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure applicable in courts of this state.

On March 16, 2020 the Indiana Supreme Court ORDERED each trial court statewide to implement all relevant and necessary portions of its continuity of operations plan (COOP) in conjunction with county emergency and public health authorities.

On March 16, 2020 the Indiana Supreme Court DIRECTED trial courts to utilize Indiana Office of Court Services (IOCS) assistance to prepare appropriate emergency local plans to protect the health of court personnel, court users, and the public through enhanced social distancing. Trial courts were directed to consider whether local needs warrant petitioning for the following emergency measures under Indiana Administrative Rule 17:

1. Tolling for a limited time all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health, and appellate matters; all judgments, support, and other orders; and in all other civil and criminal matters before all State of Indiana trial courts.
2. Pursuant to that directive the Spencer Circuit Court shall petition the Indiana Supreme Court for permission to waive said guidelines on a temporary basis.

3. In the meantime, the Court is continuing and/or rescheduling all non-essential Court hearings from the date of this Order through Monday, May 18, 2020 except the following essential hearings:

- Initial hearings in criminal cases
- Initial hearings or continued initial hearings in CHINS cases
- Initial hearings in juvenile delinquency cases
- Emergency bond or other hearings for juveniles/adults in detention or custody
- Civil commitments or mental health Orders
- Emergency guardianship proceedings
- Emergency domestic violence cases
- Other emergency/evidentiary hearings at the Court's discretion

The Court shall further continue receiving, reviewing, and issuing Search Warrant Orders, Probable Cause findings, Detention Orders, and Arrest Warrants.

Unless further restrictions are required, the Clerk's Office and Court Office's shall remain open but telephonic contact is preferred. The Clerk's Office and Court Offices shall remain open to receive and process mail, new filings and Orders shall continue to be processed.

Jury trials are suspended during this timeframe due to risk to all involved, including the potential jury pools.

All essential Court hearings that are held shall be restricted to ten (10) people or less, not including court staff, unless otherwise ordered by the Court.

The hearings that are held shall be limited to the parties and counsel and other essential individuals. No members of the public, guests or additional family or friends who are not witnesses shall be allowed to attend said hearings for a limited time due to the virus outbreak.

4. Using telephonic or video technology in lieu of in-person appearances, unless a litigant's due process rights would be violated. This shall include most regularly scheduled probation appointments and most hearings for individuals incarcerated at the Spencer County Law Enforcement Center.

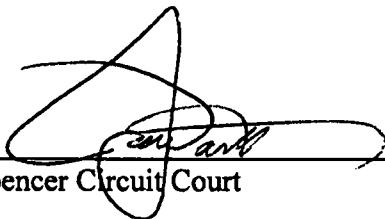
5. Issuing summonses in lieu of most bench warrants or notices of failure to appear.

6. Considering (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; (b) exposure of such individuals to anyone who has or may have COVID-19; or (c) status of such individuals in a high-risk category; to constitute “good cause” to either appear remotely or continue a court setting, to the extent possible without violating statutory or constitutional rights.
7. Allowing any attorney wishing to appear remotely (e.g., through teleconference systems, etc.) for any status conference or non-evidentiary hearing without further leave of court upon filing a “Notice of Remote Appearance” in the court in which the matter will be heard.
8. Subject to applicable Constitutional limitations, limiting spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing.
9. Posting signage at all public entry points to judicial facilities advising individuals not to enter the building if they have:
  - a. Visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC in the previous 14 days;
  - b. Resided with or been in close contact with someone who has been in any of those countries within the previous 14 days;
  - c. Traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
  - d. Been asked to self-quarantine by any doctor, hospital, or health agency;
  - e. Been diagnosed with or had contact with anyone who has been diagnosed with COVID-19; or
  - f. Has a fever, cough or shortness of breath;and directing bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols.
10. Allowing individuals with legitimate court business to stay home and request a continuance by phone to the Court Office if they are ill, caring for someone who is ill, or in a high-risk category.
11. Providing sanitation materials (such as hand sanitizer or bleach wipes) at all

courtroom entrances and counsel tables.

The Court understands this is an inconvenience for those involved in the Court system, but it is necessary at this time to keep litigants, courthouse employees, potential jurors, and the public safe and to help reduce the spread of the Coronavirus.

So ORDERED this 17 day of March, 2020.



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Judge, Spencer Circuit Court