

IN THE INDIANA SUPREME COURT

In the Matter of the Petition of)	
the Tippecanoe Circuit Court,)	
the Tippecanoe Superior Courts, and)	Supreme Court Case No.
the West Lafayette City Court for Administrative)	<u>20S-CB-161</u>
Rule 17 Emergency Relief.)	

PETITION FOR EMERGENCY RELIEF

Come now the Tippecanoe Circuit Court, the Tippecanoe Superior Courts and the West Lafayette City Court (hereinafter “courts of Tippecanoe County”) and petition the Indiana Supreme Court for relief under Ind. Administrative Rule 17. In support of this petition, the courts inform the Supreme Court as follows:

1. The courts of Tippecanoe County have convened in banc and have determined:
 - (A) On March 6, 2020, Governor Holcomb declared a public health emergency in Indiana related to the 2019 novel coronavirus (COVID-19).
 - (B) On March 13, 2020, President Trump declared a national emergency relating to the virus.
 - (C) The Centers for Disease Control and Prevention (CDC) and the Tippecanoe County Health Department (TCHD) have determined that “social distancing” is necessary to minimize further spread of the virus.
 - (D) The CDC has recommended that events involving fifty (50) or more persons be postponed or cancelled *for the next eight weeks*.
 - (E) The TCHD has recommended that government entities limit close contact with others as much as possible (about six feet apart).
 - (F) The courts of Tippecanoe County have appointed Judge Michael Morrissey and Judge Steven Meyer as co-presiding Judges over this emergency.

2. The courts of Tippecanoe County request that the Supreme Court declare that an emergency exists in Tippecanoe County under the authority of Ind. Administrative R. 17, and make appropriate emergency orders for Tippecanoe County directing and allowing the courts and clerk to Tippecanoe County to alter, modify, and suspend necessary procedures as provided in the emergency plan below, so as to appropriately address this emergency.

3. The courts of Tippecanoe County submit the following Emergency Plan.

(A) Commencing immediately and lasting through May 4, 2020:

- (1) Toll 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 the courts of Tippecanoe County.
- (2) Suspend and/or reschedule all non-essential hearings, including criminal jury trials, but excluding hearings related to:
 - (a) quarantine/isolation,
 - (b) protection orders,
 - (c) emergency custody or guardianships,
 - (d) emergency injunctive relief,
 - (e) civil commitments,
 - (f) firearm seizures,
 - (g) juvenile detentions,
 - (h) criminal initial hearings if defendant is in custody,
 - (i) criminal bail review,
 - (j) criminal pretrial, guilty plea or sentencing hearings that might resolve the case or result in release from custody, and
 - (k) other emergency matters as determined by the presiding judge.
- (3) Exclude spectators from the jail courtroom and gallery area inside the Tippecanoe County Jail to reduce the risk of exposure inside the Tippecanoe County Jail.
- (4) Utilize telephonic or video technology in lieu of in person appearances when necessary to avoid transporting a defendant from another county jail or the Indiana Department of Correction to the Tippecanoe County Jail.

(B) Commencing immediately and lasting through June 1, 2020:

- (5) Allow the county's judicial officers, not including the West Lafayette City Court Judge, to exercise general jurisdiction over cases in each other's courts. This shall continue if a judge becomes ill or quarantined and last until a Temporary Judge can be appointed by the Supreme Court.

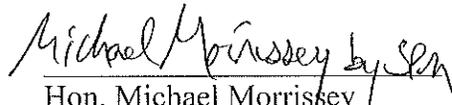
- (6) Suspend and/or continue civil jury trials.
- (7) Continue and/or reschedule non-essential criminal and civil hearings.
- (8) Use telephonic or video technology in lieu of in person appearances, unless a litigant's due process rights would be violated, including CHINS fact-finding and termination hearings where either parent is in jail; and for civil commitment hearings if it would be harmful to transport Respondent to court.
- (9) Issue summonses in lieu of bench warrants or notice of failure to appear.
- (10) Suspend issuing civil body attachments and Title IV-D attachments.
- (11) Extend the initial hearing dates given to persons cited or released and coordinate the same with law enforcement.
- (12) Consider (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.
- (13) Conduct case management hearings and pre-trial conferences by counsel only, unless otherwise ordered by the presiding judge.
- (14) Allow 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.
- (15) Subject to applicable Constitutional limitations, limit spectators (other than parties to the litigation, their attorneys and witnesses) in courtrooms to the extent necessary to provide adequate social distancing.
- (16) Prohibit tour groups, student groups or other large groups of persons (including large wedding groups) from entering the Tippecanoe County courthouse to the extent necessary to provide adequate social distancing.

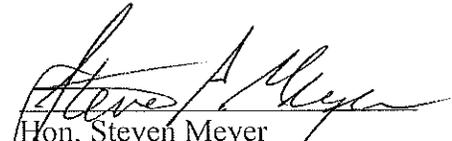
(17) Work with TCHD to establish a screening protocol for all persons entering the courthouse (including staff) and direct courthouse bailiffs to deny entrance to individuals who present a danger to others.

(18) For trial courts clerks, make drop boxes available for conventionally filed documents.

4. The courts of Tippecanoe County request all other relief just and proper in the premises.

Respectfully submitted,


Hon. Michael Morrissey
Co-Presiding Judge


Hon. Steven Meyer
Co-Presiding Judge

Courtesy Copy:

Julie Roush, Tippecanoe County Clerk

Patrick Harrington, Tippecanoe County Prosecuting Attorney

Amy Hutchison, Tippecanoe County Public Defender

Stuart Boehning, President, Tippecanoe County Bar Association

David Byers, President, Tippecanoe County Commissioners

Kevin Underwood, President, Tippecanoe County Council