

20S-CB-159

In The

Indiana Supreme Court

In Re the Matter of

WASHINGTON COUNTY PETITION PURSUANT  
TO INDIANA ADMINISTRATIVE RULE 17  
AND SUPREME COURT ORDER OF MARCH 16, 2020

Come now the Judges of the Washington Superior and Circuit Courts and request emergency relief for a minimum period of thirty (30) days pursuant to Indiana Administrative Rule 17 and Indiana Supreme Court Order of March 16, 2020, as follows:

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, appellate matters, Child in Need of Services, and Termination of Parental Rights; all judgments, support and other orders; and in all other civil and criminal matters before the Washington Superior and Washington Circuit courts.
2. Suspending and/or rescheduling criminal and civil jury trials for a limited time.
3. Suspending new juror orientations, extending existing jury panels, and/or postponing jury service to a later date for jurors who are ill, caring for someone who is ill, or in a high-risk category.
4. Continuing and/or rescheduling non-essential hearings (essential hearings would include matters involving violence, threat of violence, or other cases deemed by the court to require expedited judicial attention).
5. Using telephonic or video technology in lieu of in-person appearances, unless a litigant's due process rights would be violated.
6. Flexibility allowing the county's judges to exercise general jurisdiction over cases in each other's courts.
7. 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;

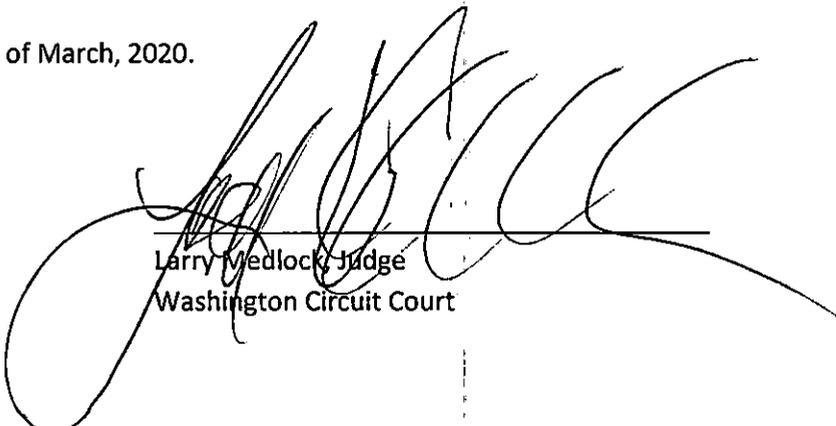
to constitute "good cause" to either appear remotely or continue a court setting, to the extent possible without violating statutory or constitutional rights.

8. 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.

9. Limiting spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing.
10. For trial court clerks, making drop boxes available, for conventionally filed documents.
11. Posting signage at all public entry points to judicial, clerk, and probation 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 fourteen (14) days;
  - b. Resided with or been in close contact with someone who has been in any of those countries within the previous fourteen (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 close contact with anyone who has been diagnosed with COVID-19; or
  - f. 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.
12. Allowing individuals with legitimate court business to stay home and request a continuance by phone to the courts if they are ill, caring for someone who is ill, or in a high-risk category.
13. Providing sanitation materials (such as hand sanitizer or bleach wipes) at all courtroom entrances and counsel tables (if available for purchase).
14. Implementing such changes as may be necessary to protect court, clerk, and probation personnel from exposure to the virus.
15. The undersigned judges are working with representatives of Washington County Government, the County Health Officer, County Sheriff, County Prosecutor, and Chief Public Defender to develop a plan consistent with the objectives of the CDC, Indiana Department of Health, Governor of Indiana, and President of the United States to facilitate social distancing to prevent the further spread of COVID-19.
16. A proposed order is being submitted with this request for relief.

Respectfully Submitted this \_17th\_ Day of March, 2020.

  
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Frank Newkirk, Jr., Judge  
Washington Superior Court

  
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Larry Medlock, Judge  
Washington Circuit Court