

20S-CB-189

In the Indiana Supreme Court
Indianapolis, Indiana

Case No.:

EMERGENCY PETITION FOR ADMINISTRATIVE ORDERS FOR BLACKFORD COUNTY

Come now the Courts of Blackford County and petition the Supreme Court for relief under Ind. Administrative Rule 17. In Support of this petition, the courts inform the Supreme Court as follows:

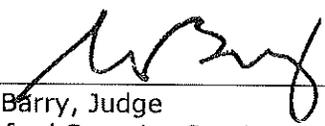
The courts of Blackford County have convened In banc and have determined:

- A) That the World Health Organization has determined the outbreak of COVID-19 is a worldwide pandemic, and that it is spreading across the nation, state, and world.
- B) That on March 13, 2020, President Trump declared a National Emergency as a result of the COVID-19 outbreak.
- C) That on March 6, 2020, Governor Holcomb signed an executive order declaring an emergency related to COVID-19.
- D) That the Center for Disease Control has determined the "social distancing" among other preventative measures is necessary for the prevention of further spreading the COVID-19 virus.
- E) That the CDC has further determined that drastic steps are immediately required to halt the spread of the virus and to protect public health care systems for being inundated.
- F) That all K-12 Schools located in Blackford County have closed from March 13, 2020 until April 1, 2020.
- G) That a public statement from the Blackford County Department of Health encourages "social distancing", avoiding mass gatherings or public events, and advises high risk individuals to stay home as much as possible.
- H) That the Courts have consulted with or reviewed information and directives provided by leaders from Blackford County including but not limited to: local law enforcement, the Mayor of Hartford City, Blackford County Commissioners, and Blackford County Department of Health.
- I) That the entire population of Blackford County is susceptible to the virus, as based upon the most recent information available, there is currently no vaccine available for the COVID-19 virus.
- J) That the Court finds that on any given day several hundred people enter into, and congregate in, the Blackford County Courthouse. Including those people that appear for hearings and/or jury trials in the Circuit Court or Superior Court, those that appear for Probation, those that appear in person in the Clerk's Office, and those that appear in person at the Prosecutor's Office.

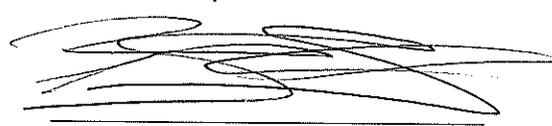
- K) That the Court finds that ordering large volumes of people to appear at the Blackford County Courthouse represents a failure to halt the spread of COVID-19.
- L) That due to a shortage of cleaning and sanitation products in all of the local stores, the Court finds that Blackford County does not possess adequate hygiene stations or sanitation supplies to keep up with the continuous cleaning that would be required should large groups of people continue to appear in the immediate future.
- M) That the Courts have conferred with several justice stakeholders including the Prosecutor's Office, Blackford County Probation, the Sheriff of Blackford County, the Clerk of Blackford County, President of the Blackford County Bar Association, and the President of the Blackford County Commissioners regarding the situation and received their input on the proposed plan.
- N) That the protection of Blackford County Employees and the public is priority.
- O) That the Blackford County Courts have jointly appointed both Judge Barry and Judge Bade as the presiding Judges for this emergency.
- P) That the judges of the Blackford County Courts request that the Supreme Court declare that an emergency exists in Blackford County under the authority of Ind. Admin Rule 17, and to make appropriate emergency orders for Blackford County directing and allowing the courts and clerk of Blackford County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith.
- Q) That Blackford County Court's Emergency Plan which would take place upon approval of the Supreme Court and run through April 17, 2020 (unless otherwise noted below), is as follows:
 - 1) That being cognizant of the transparency of the Courts and the Judicial System, the Court may take steps to limit spectators in the courtroom to provide adequate social distancing, if necessary, for the safety of County employees and the public in general, taking into consideration the constitutional rights of all parties. This shall not include the Parties and/or their attorneys.
 - 2) The immediate continuance of all jury trials, civil and criminal, including those requests for a "fast and speedy" trial until April 17, 2020, to eliminate the gathering of large groups of people to try to limit the spread of the COVID-19 virus.
 - 3) That the Court will suspend all civil proceedings except those that are emergencies or "urgent" in nature. That the Court will use its discretion to determine which cases are emergencies or "urgent" in nature. That, at a minimum, those emergency and/or urgent cases shall include protective orders, emergency CHINS proceedings, JD and JC detention hearings, and emergency custody and visitation motions.
 - 4) That the Court will suspend all criminal proceedings except emergency motions and petitions, bond hearings, arraignments, initial hearings, emergency hearings, and any other criminal proceeding deemed urgent by the court and any held matters will be done so by telephonic or video hearing.

- 5) That the Court respectfully requests that the Supreme Court authorize the tolling of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters; all judgements, support and other orders; and in all other criminal and civil matters before the courts of Blackford County between March 17, 2020 through April 17, 2020.
- 6) That for incarcerated individuals, the Court will utilize video or telephonic conferencing to conduct hearings whenever reasonably possible.
- 7) That effective from the date of this order through May 4, 2020, any attorney who desires to appear remotely for any status conference or non-evidentiary hearing may do so upon proper notification to the court. That no formal motion shall be required, and a notice of remote appearance shall suffice.
- 8) That remote appearances may be coordinated through the staff of either the Blackford Superior or Blackford Circuit Courts.
- 9) That for new arrests and criminal cases filed during the period of restriction the Blackford County Courts may issue an Order of appointment of a public defender upon the filing of the case but prior to initial hearing or finding of indigency. Appointed counsel shall promptly contact the Blackford County Security Center to confer with clients and determine the need for any pre-trial matters, bond modifications, or waivers of initial hearing. Appointed counsel shall then schedule any such proceedings for telephonic hearing to reduce the necessity of gathering within the Courthouse. Defendant's may higher legal counsel of their own choosing to replace appointed counsel and appointed counsel would then be permitted to withdraw from appointment upon the same.
- 10) With respect to evidentiary hearings and trials, the court now hereby finds that (i) the existence of flu or "flu-like" symptoms in any party to the case, including witnesses expected to testify; or (ii) exposure of such individuals to anyone who has or may have COVID-19, shall be considered good cause for any motion to appear remotely or continue a court setting. To the extent possible, and without violating statutory or constitutional rights, the court will accommodate those requests/motions.

DONE at Hartford City, Indiana, this 17th day of March, 2020.



Nick Barry, Judge
Blackford Superior Court



Brian Bade, Judge
Blackford Circuit Court