

20S-CB-202

**IN RE THE PETITION FOR
EMERGENCY RELIEF PURSUANT TO AR 17
BY THE FISHERS CITY COURT**

**PETITION FOR RELIEF PURSUANT
INDIANA ADMINISTRATIVE RULE 17**

Come now the Fishers City Court (“Court”) and petitions the Supreme Court for relief under Indiana Administrative Rule 17. In support of this Petition, the Court informs the Indiana Supreme Court as follows:

The Fishers Court has determined:

1. A National Health Emergency has been declared regarding the COVID-19 virus, which declaration has been echoed by the Governor of the State of Indiana as well as the Mayor of the City of Fishers, who have made similar declarations;
2. Public Health officials, by consensus, have declared that “social distancing” is essential to slow the spread of this virus, and have advised that public interaction be limited as much as possible;
3. As a result of the declarations and public health advice, the public life of the City of Fishers has been greatly curtailed; for example, by the closure of all schools, bars, restaurants as well as many churches;
4. As a part of the curtailment of public life and as part of the declaration by the Mayor of Fishers, the City Administration has closed most of the public buildings of the City of Fishers, including the City Services Building which houses of Court and its attendant offices;
5. The City Hall remains open to the public for essential contact, but is limited to only one staff person on duty at any time;
6. The declaration of public health emergency by the Mayor is open-ended and does not have a fixed ending date;
7. During this time of public health emergency, and so long as the closure of public buildings remains in effect, the Fishers City Court cannot and should not operate under normal conditions and procedures;
8. The Supreme Court has already received a similar Petition from the Hamilton County Courts, and in Cause 20-CB-133 has already declared that an emergency exists in Hamilton County, Indiana.

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

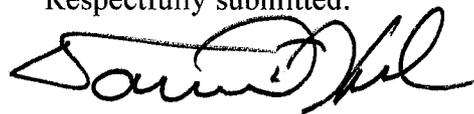
EMERGENCY PLAN

The Court submits the following as the Emergency Plan of Fishers Court and requests authorization to utilize any combination of these measures as the Court deem appropriate:

1. As the Fishers City Court does not exercise criminal jurisdiction or have a criminal docket, the time limits for criminal proceedings are not applicable.
2. Tolling for a limited time all laws, rules, and procedures setting time limits for all other proceedings pending in the Fishers City Court, all judgments, support, and other orders.
3. Continuing and/or rescheduling non-essential hearings;
4. Using telephonic or video technology in lieu of in-person appearances, unless a litigant's due process rights would be violated.
5. Issuing summonses in lieu of bench warrants, writs of attachment, notices of failure to appear, or notices of failure to pay.
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. For court clerk, making a drop box available at the Fishers City Hall, One Municipal Dr., Fishers IN, for conventionally filed documents and receipt of payments.
10. The Court will maintain sufficient operations to process emergency matters, mail and e-mail received, e-filing of pleadings, and receipt of payments for fines and judgments.
11. Allowing individuals with legitimate court business to stay home and request a continuance by phone to the court clerk if they are ill, caring for someone who is ill, or in a high-risk category.
12. Posting signage at all public entry points to judicial facilities, as well as publishing same through the City of Fishers website advising the public of the above, how they may contact Court staff to conduct business, and the rescheduling of hearings.

The petitioning Court proposes this plan remain in effect until May 4, 2020 or as may be extended from time to time, upon Motion of the petitioning Court.

Respectfully submitted:



Daniel E. Henke
Judge, Fishers City Court