

20S-CB-210

**IN RE THE PETITION FOR  
EMERGENCY RELIEF PURSUANT TO AR 17  
BY THE BROWNSBURG TOWN COURT**

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

Come now the Brownsburg Town 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 Brownsburg Town Court has determined:

1. That on March 6, 2020, the State of Indiana declared a public health emergency for the COVID-19 outbreak;
2. That on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the WHO;
3. That on March 15, 2020, the Centers for Disease Control and Prevention called for the cancellation of in-person events of 50 or more people for the next eight (8) weeks to try to prevent the spread of COVID-19;
4. That the Town of Brownsburg, in response to the COVID-19 pandemic, has implemented a city-wide access plan, suspending all public non-emergency access to public facilities.

The Judge of Brownsburg Town Court requests that the Indiana Supreme Court declare that an emergency exists in Hendricks County, under the authority of Ind. Admin. R. 17, and 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 Brownsburg Town Court and requests authorization to utilize any combination of these measures as the Court deem appropriate:

1. Tolling for a limited time all laws, rules, and procedures setting time limits for speedy trials in criminal proceedings, all judgments, support, and other orders; and in all other civil and criminal matters before the Court.
2. Suspending and/or rescheduling criminal and civil trials for a limited time (subject in criminal cases to the Constitutional right to speedy trial and Constitutional protection against double jeopardy).
3. Continuing and/or rescheduling non-essential hearings (excluding emergency matters and evidentiary hearings in criminal cases).
4. Issuing summonses in lieu of bench warrants, writs of attachment, notices of failure to appear, or

notices of failure to pay.

5. 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.
6. 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.
7. That the Court will not receive payments for fines and judgments in person; the Court directs all payments of fines or judgments to be made electronically or by mail.
8. 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.
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. 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.

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:



Honorable Charles E. Hostetter  
Presiding Judge