

## 20S-CB-114

DELAWARE CIRCUIT COURTS AND MUNCIE CITY COURT  
MUNCIE, INDIANA  
RULE AR 17 PETITION

Come now the Courts of Delaware County and the Muncie City Court and petition the Supreme Court for relief under Indiana Administrative Rule 17. In support of this Petition, the Courts inform the Supreme Court as follows:

1. The Courts of Delaware County, Indiana and the Judge of Muncie City Court have convened en banc and have determined:
  - a. That the Governor of the State of Indiana has declared an emergency due to the COVID-19 virus.
  - b. That the WHO has declared the Coronavirus a Pandemic.
  - c. That the Delaware County health department has declared a local health emergency.
  - d. That the local courts have appointed Judge Marianne Vorhees as the presiding Judge for this emergency.

The Judges of Delaware County and City of Muncie request that the Supreme Court declare that an emergency exists in Delaware County and the City of Muncie, under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Delaware County and the City of Muncie, directing and allowing the courts and clerk of Delaware County and the Judge and Clerk of the Muncie City 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**

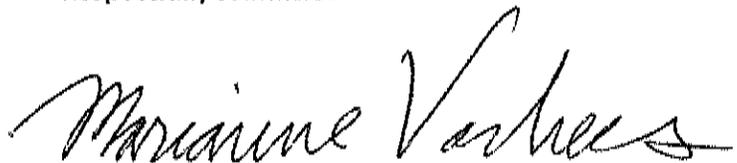
The Courts submit the following as the Emergency Plan of Delaware County/City of Muncie:

1. Suspend CR 4 due to public health risk.
  - a. The Court will hold pre-trial and discovery status hearings by counsel only. Counsel may appear remotely via Courtcall or conference call. Counsel may submit a simple "Notice of Remote Appearance" at least 24 hours prior to a scheduled hearing to inform the Court that they wish to appear remotely.
  - b. Defendants will appear via teleconference from the jail for any other hearing excepting contested sentencing hearings or jury trials.
  - c. The Court will continue non-essential criminal hearings until such time as the health risk no longer exists.
  - d. The Court will continue criminal jury trials until such time as the health risk no longer exists and until a pool of jurors can be assembled without health risk.
2. Allow Parties to appear remotely, via Courtcall or Conference Call in all civil matters.

3. Continue civil pre-trial conference and non-essential hearings that will not result in a resolution of a case until such time as the health risk no longer exists.
4. Conduct hearings that involve agreed issues by Courtcall or conference call.
5. Exercise flexibility on requests for continuances.
6. Allow attorney-only conferences whenever possible without the requirement of a motion.
7. Request the Muncie Police Department and Delaware County Sheriff to issue summonses for non-violent misdemeanor and low level (level 5 and 6) felony cases. These will be set for initial hearing at times that does not present a health risk to the public. No police officer will be obligated to follow this request and will be expected to use their best judgment.
8. Allow attorneys to file a simple "Notice of Remote Appearance" to inform the Court that they wish to appear remotely for any civil status conference, pre-trial conference or non-evidentiary hearing and permit them to do so.
9. Limit admittance to the Delaware County Justice Center, Title IV-D Court, Juvenile Court and Muncie City Court to litigants only. No spectators will be permitted to enter the Justice Center without good cause shown.
10. Continue all civil jury or bench trials until such time as the health risk no longer exists.
11. Continue all non-essential civil matters, at the Court's discretion, until such time as the health risk no longer exists.
12. Continue all criminal trials for non-incarcerated individuals until such time as the health risk no longer exists.
13. Conduct all mental health hearings normally held at IU/Ball Memorial Hospital by conference call.
14. Suspend issuing all civil body attachments and Title IV-D attachments.
15. Utilize video conferencing in Juvenile Court for all fact-finding and termination hearings in CHINS cases where either parent is in the Delaware County Jail.
16. Setting/Re-setting non-adjudicatory, non-detention Juvenile CHINS and Delinquency Proceedings outside the statutory timeframe as deemed necessary by the Juvenile Court.
17. Setting/Re-setting Juvenile Termination hearings outside the statutory timeframes as deemed necessary by the Court.

The Delaware County Courts and Muncie City Court propose this plan to remain in effect until June 12, 2020.

Respectfully submitted:

A handwritten signature in cursive script that reads "Marianne Vorhees". The signature is written in black ink and is positioned above a horizontal line.

Honorable Marianne Vorhees, Presiding Judge