

20S-CB-133

STATE OF INDIANA)
)SS:
COUNTY OF HAMILTON)

IN THE HAMILTON SUPERIOR COURT 5
CAUSE NO. 29D05-2003-CB-

PETITION FOR RELIEF UNDER INDIANA ADMINISTRATIVE RULE 17

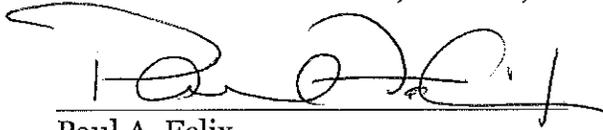
Come now the Circuit and Superior Courts of Hamilton County and petition the Supreme Court for relief under Indiana Administrative Rule 17. In support of this petition, the courts inform the Supreme Court as follows:

1. The courts of Hamilton County have convened in banc and have determined:
 - A. The President of the United States has declared a national emergency and the Governor of the State of Indiana has declared a public health emergency over the entire State;
 - B. The Hamilton County Health Department has recommended the closure of all county schools beginning Monday, March 16, 2020 and lasting until April 13, 2020;
 - C. County governmental officials and the elected Mayors of Carmel, Fishers, Noblesville, and Westfield have issued directives designed to protect the public by banning gatherings of more than 250 persons, allowing municipal employees to work from home, and halting non-essential travel for municipal employees;
 - D. The United States Center for Disease Control is encouraging “social distancing” as a means of limiting the spread of COVID-19, also known as novel coronavirus, and other potentially fatal viruses, and has recommended gatherings of 50 or more persons be cancelled or postponed for the next 8 weeks;
 - E. Hamilton County health officials, on March 15, 2020, confirmed the first known case of a Hamilton County resident testing positive for COVID-19;
 - F. The Hamilton County Circuit and Superior Courts hold hearings and proceedings which result in hundreds of people entering the Hamilton County Government and Judicial Center each week;
 - G. The judges of Hamilton County have held numerous meetings and discussions with justice stakeholders and County government leaders regarding this situation and received their input on its proposed operational changes;
 - H. The judges of Hamilton County have spoken directly with the Director of the Hamilton County Health Department to gain insight and information on the spread of COVID-19 and the impact court operations may have on the spread of the disease in the community;
 - I. The courts have received numerous questions and concerns about the health and safety of the public, court staff, and other employees of the Hamilton County Government and Judicial Center;
 - J. That mitigation of contagions is of utmost importance to protect the citizens of Hamilton County;

- K. The administration of justice and access to the courts must be balanced with the health, safety, and security of the people of Hamilton County;
- L. The judges of Hamilton County have proposed the following measures to maintain continuity of court operations during this emergency:
 - i. All laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings shall be tolled.
 - ii. Deadlines for public health, and mental health matters, Laird Law matters, protective orders, and forfeiture proceedings may be continued upon the finding of an emergency.
 - iii. Each of the judges and magistrates of the courts of Hamilton County shall be authorized to exercise general jurisdiction over any and all cases in each other's courts.
 - iv. All cases deemed non-essential shall be continued.
 - v. In civil proceedings, emergency health quarantine orders, protective orders regarding family or domestic violence, stalking, or a sex offense, juvenile detention, and emergency Child in Need of Services (CHINS) proceedings shall be deemed essential.
 - vi. In criminal proceedings, bond hearings and arraignments of inmates shall be deemed essential.
 - vii. A judge or magistrate may, in his or her discretion, schedule and hold a hearing in any case not listed above which they deem to be essential.
 - viii. All night court proceedings shall be suspended and rescheduled at least 60 days later.
 - ix. All jury trials shall be suspended for a period of 60 days with review of the suspension within 30 days.
 - x. The courts shall have the authority to limit spectators or other persons gathering in the courtrooms and adjacent hallways.
 - xi. The courts shall communicate with the Hamilton County Bar and the general public to inform them of these rules and procedures and to make provisions to deal with emergency matters.
 - xii. Communicate to the Indiana Supreme Court with a status update not later than May 15, 2020 to determine if the emergency persists
- M. That the judges of Hamilton County have appointed David K. Najjar, Judge of Hamilton Superior Court 5, as the presiding judge of this emergency.

The judges of Hamilton County request the Indiana Supreme Court declare an emergency exists in Hamilton County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Hamilton County directing and allowing the courts and clerk of Hamilton County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency.

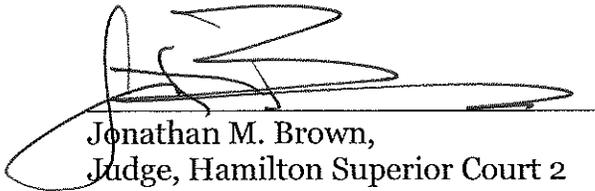
DONE at Noblesville, Indiana, this 16 day of March, 2020.



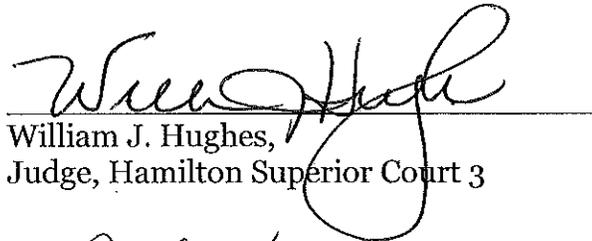
Paul A. Felix,
Judge Hamilton Circuit Court



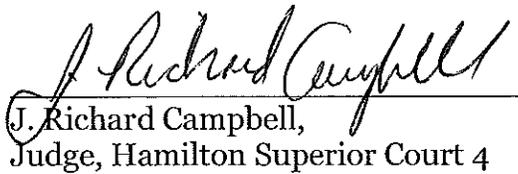
Michael A. Casati,
Judge Hamilton Superior Court 1



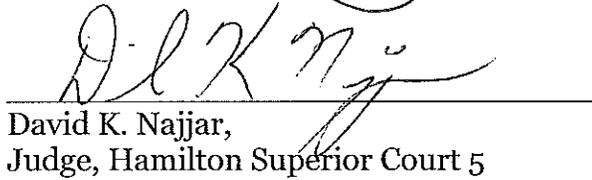
Jonathan M. Brown,
Judge, Hamilton Superior Court 2



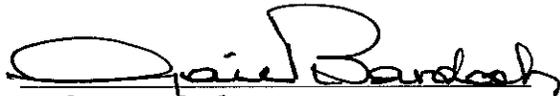
William J. Hughes,
Judge, Hamilton Superior Court 3



J. Richard Campbell,
Judge, Hamilton Superior Court 4



David K. Najjar,
Judge, Hamilton Superior Court 5



Gail Z. Bardach,
Judge, Hamilton Superior Court 6