

20S-CB-131

**JEFFERSON CIRCUIT AND SUPERIOR COURT
MADISON, INDIANA**

The Courts of Jefferson County hereby petition the Indiana Supreme Court for relief under Ind. Administrative Rule 17. In Support of this petition, the Courts inform the Supreme Court as follows:

1. The courts of Jefferson County have convened *en banc* and have determined:
 - a. The Governor of the State of Indiana has declared an emergency due to the COVID-19 virus.
 - b. The World Health Organization has declared the Coronavirus a Pandemic.
 - c. The Center for Disease Control has recommended that all gatherings of fifty (50) or more people be cancelled for the next eight (8) weeks.
 - d. A case of COVID-19 Virus has been confirmed in Floyd County. Attorneys practicing law in Floyd County frequent the courts of Jefferson County.
 - e. Jefferson County local schools, Ivy Tech College and Hanover College have cancelled classes.
 - f. Both Superior and Circuit Courts employ staff who are, or have an immediate family member who is, considered "high risk" as it relates to COVID-19.
 - g. Both courts employ a small number of staff, which makes the loss of even 1 staff person due to illness a significant burden on the day-to-day operations of the courts.
 - h. Both court offices, and in particular the Superior courtroom, are relatively small and require staff to be in close proximity with one another and the public, making social distancing difficult if not impossible.
2. The Judges of Jefferson County request that the Supreme Court declare that an emergency exists in Jefferson County, under the authority of Admin.R.17, and to make appropriate emergency orders for Jefferson County directing and

allowing the courts and Clerk of Jefferson County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency.

3. The Jefferson County judges have appointed Judge Donald J. Mote as the presiding Judge for this emergency.

EMERGENCY PLAN

The Courts submit the following Emergency Plan of Jefferson County:

1. Suspend Ind. Criminal Rule 4(C) due to public health risk until no later than May 17, 2020.
2. The Court will continue all non-essential criminal hearings until such time as the health risk no longer exists.
3. Courts will hold pre-trial and discovery status hearings by counsel only. Counsel may appear by phone.
4. Criminal jury trials shall be immediately continued until such time as the health risk no longer exists and/or until a jury venire can be assembled without health risk.
5. Suspend all laws, rules and procedures setting time-limits until such time that the health emergency no longer exists. This shall include but is not limited to:
 - a. Statutory time-limits relating to non-custodial initial hearings.
 - b. Statutory deadlines concerning omnibus dates.
 - c. Statutory deadlines for sentencing after entry of plea or finding of guilt.
 - d. Statutory deadlines related to any type of criminal notices or petitions, such as insanity defense.
 - e. Statutory deadlines concerning Child in Need of Services and/or Juvenile Delinquency proceedings, including detention, fact-findings, and dispositional hearings.

6. Parties may appear by phone in all civil matters without need for a specific request.
7. All civil pre-trial conferences and non-essential hearings that will not result in a resolution of the case shall be continued until such time that the health risk no longer exists.
8. Protective order hearings involving cases of alleged domestic or family violence, sex offenses and stalking shall continue to be set for hearing and shall be set within thirty (30) days of the filing of the petition if an ex parte order is not granted.

Hearings on protective order petitions which, by statute, cannot be granted ex parte shall be set within ninety days of the filing of the petition.

Hearings requested in writing by the Respondent and hearings related to specific remedies which cannot be granted without hearing or which require a hearing after they are granted shall be set within sixty (60) days of the request or the granting of relief that gives rise to the required hearing.

9. Exercise flexibility on requests for continuances.
10. Permit attorney only pre-trial conferences whenever possible without the requirement of a motion.
11. Temporarily limit admittance to the Jefferson Circuit and Superior Court offices and courtrooms to litigants and witnesses only. No spectators shall be permitted to enter the courtrooms or court offices without good cause shown.
12. Criminal initial hearings shall be conducted without the presence of a public defender notwithstanding the provisions of the Jefferson County Pre-Trial Release program. Courts will conduct the necessary statutory and constitutional advisements and review bail in open court and with due consideration to Ind. Criminal Rule 26.
13. Request that the Indiana State Police Versailles District, the Jefferson County Sheriff's Department, the Madison Police Department and the Hanover Police Department, consider issuing summonses for non-violent misdemeanor and Level 5/Level 6 felony offenses. Such

would be left to the officer's discretion on a case-by-case basis.

14. Emergency Detention Orders pursuant to IC 12-26-5-1 may continue to be issued by a judge in Jefferson County. However, for the period commencing March 15, 2020 until May 17, 2020, judges will not order the Jefferson County Sheriff to transport such individuals to or from a health care facility.
15. Suspend the issuance of civil body attachments and Title IV-D attachments, and suspend those currently active body attachments until May 17, 2020.
16. The Courts will continue to conduct hearings that involve agreed issues by conference call.
17. Parties to Juvenile CHINS cases shall conduct Child and Family Team Meetings via telephone or audiovisual connection to the extent possible. The parties take all steps necessary to ensure all required services such as drug screens, therapy, out-patient services, supervised parenting time be implemented in a manner designed to reduce the risk of spread of COVID-19 virus. If supervised parenting time cannot occur as ordered for reasons related to the COVID-19 virus, this shall be documented by the appropriate supervising agency in order that it not have an adverse effect as to the parent in question in future proceedings.
18. Posting signage restricting entry of individuals who 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 past 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 dignosed with, or had contact with, anyone who has been diagnosed with COVID-19; or
 - f. A fever, cough or shortness of breath.
19. Directing bailiffs and/or court security officers or the Jefferson County Sheriff to deny entrance to individuals attempting to enter in violation of these protocols.

Respectfully submitted:

 3/16/2020 2:50PM
DONALD J. MOTE, JUDGE
JEFFERSON CIRCUIT COURT