

20S-CB-120

**OWEN CIRCUIT COURT  
SPENCER, INDIANA**

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

**Come now the Courts of Owen 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 Circuit Courts of Owen County have convened en banc and have determined:**
  - a. That the Governor of the State of Indiana has declared an emergency due to COVID-19.**
  - b. The Governor has approved a twenty (20) day waiver for Indiana Schools in an effort to prevent the transmission of COVID-19.**
  - c. That the World Health Organization has declared COVID-19 a pandemic.**
  - d. That the Owen County Health Department has advised that limiting unnecessary social contact will assist in preventing the transmission of COVID-19.**
  - e. Because of the limited judicial resources in Owen County, it is critical that precautions be taken so that essential operations can continue without interruption.**

**The Judges of Owen County request that the Supreme Court declare that an emergency exists in Owen County, under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Owen County, directing and allowing the courts and clerk of Owen County 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 Owen County and requests authorization to utilize any combination of these measures as the Courts deem appropriate:**

- 1. Suspend Criminal Rule 4 due to public health risk.**
- 2. The Court will hold criminal pre-trial and discovery status hearings by counsel only. Counsel may appear remotely via Courtcall or conference call.**

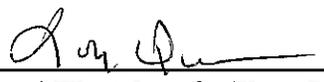
**Counsel may submit a simple "Notice of Remote Appearance" at least 24 hours prior to a scheduled hearing to inform the Court that they wish to appear remotely.**

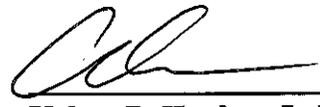
- 3. Defendants will appear via teleconference from the jail for any other hearing excepting contested sentencing hearings or jury trials.**
- 4. The Court will continue non-essential criminal hearings until such time as the Court deems the health and safety risks to Parties and Counsel to be sufficiently addressed.**
- 5. The Court will continue criminal jury trials to no later than May 4, 2020 to allow adequate notification of the jury pool.**
- 6. The Court will allow Parties to appear remotely, via Courtcall or Conference Call in all civil matters.**
- 7. The Court will continue non-essential civil hearings until such time as the Court deems the health and safety risks to Parties and Counsel to be sufficiently addressed. The Court may exercise flexibility on requests for continuances. A Party's bona fide wish to avoid of unnecessary social contact may be considered good cause for continuance by the Court under T.R. 53.5.**
- 8. The Court may conduct hearings that involve agreed issues by Courtcall or conference call.**
- 9. Allowance for attorney-only conferences whenever possible without the requirement of a motion.**
- 10. Allowance for setting/resetting non-adjudicatory and non-detention juvenile CHINS and delinquency proceedings outside the statutory timeframes as deemed necessary by the Court.**
- 11. Allowance for setting/resetting juvenile termination hearings outside the statutory timeframes as deemed necessary by the Court.**
- 12. Request the Owen County Sheriff and Spencer Police Department to issue summonses for non-violent misdemeanor and low level (level 5 and 6) felony cases. These will be set for initial hearing in May. No Officer will be obligated to follow this request and will be expected to use their best judgment.**

13. 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.
14. Limit admittance to the Owen Circuit Courts to Parties, Counsel, and statutorily contemplated attendees (i.e. domestic violence advocates, foster parents, victims, etc.). Allow for those who appear for hearings as spectators to be admitted to Owen Circuit Courts only for good cause shown.
15. Allowance to Continue all civil jury or bench trials to no later than May 4, 2020 to allow adequate notification to the Jury Pool.
16. Conduct all mental health hearings normally held at Bloomington Hospital by Conference Call.
17. Suspend issuing all civil body attachments and Title IV-D attachments.

The Owen Circuit Courts propose this plan to remain in effect until April 16, 2020.

Respectfully submitted:

  
Lori Thatcher Quillen, Judge  
Owen Circuit Court I

  
Kelsey B. Hanlon, Judge  
Owen Circuit Court II