

20S-CB-130

**St. Joseph County Courts Petition to the Indiana Supreme Court
under Administrative Rule 17**

The Indiana Supreme Court, having the power upon petition from any trial court in the event of wide spread disease outbreak, to enter such order or orders as may be appropriate to ensure the orderly and fair administration of justice, including, without limitation, those rules and procedures affecting time limits currently imposed for speedy trials in criminal and juvenile proceedings, public health, mental health, appellate, and all other civil and criminal matters,

The undersigned Judges of the Courts of St. Joseph County, Indiana have met, have conferred with their judicial colleagues, 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 St. Joseph County health department has declared a local health emergency.
- d. That, on March 15, 2020, the CDC recommended cancellation of any gathering of 50 people or more for the next 8 weeks.

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

In response to this ongoing emergency, the St. Joseph Superior, Circuit and Probate courts prepared an Action Plan, which is attached hereto and incorporated herein. In conjunction with the Action Plan, the St. Joseph County Courts now petition the Indiana Supreme Court for the following emergency relief:

1. Suspend Criminal Rule 4 time limits due to public health risk
 - a. Hearings involving Defendants who are not in custody will be reset to a date after May 15, 2020.
 - b. Defendants who are in custody will appear via video from the jail for any other hearing except sentencing hearings.
 - c. The Court will continue criminal jury trials to a date after May 15, 2020, or until a pool of jurors can be assembled without health risk.
2. Allow continuance of all civil jury trials to a date after May 15, 2020.
3. Allow rescheduling of all nonessential hearings. Essential and emergency hearings will continue to be scheduled at the direction of the judicial officer assigned to the specific case.

4. Allow the tolling of all laws, rules, procedures setting time limits for speedy trials in juvenile proceedings, including the mandated 120 days for CHINS fact-finding and 180 days for termination of parental rights cases.
5. Modify Administrative Rule 14 to allow trial court discretion to, sua sponte, permit telephone or audiovisual telecommunication without the consent of the parties and without 30 days notice but allowing objection, but not requiring a 7-day delay in hearing the objection. Presumptive good cause should be allowed during this emergency.
6. Review county jail sentences of nonviolent offenders and juveniles for either modification to probation or release from the jail with service to resume after the end of the of emergency
7. In the event of an in-court hearing, allow courtrooms to be closed to anyone except the litigants involved in the case.
8. Allow the St. Joseph County Courts to post signage advising litigants who appear at the courthouse after their matter has been continued to check mycase.in.gov or to call their lawyer or the St. Joseph County Clerk for updated information. In addition, allow signage advising people who fall within the risk categories set out in paragraphs 12 (a)-(f) in the Indiana Supreme Court Order dated March 16, 2020, not to enter the courthouses.
9. Allow the clerks to set initial hearings in immediate possession cases after May 15, 2020. Judicial officers may still enter orders pursuant to Ind. Code 32-30-3-3, or set hearings before May 15, 2020, in the event of an alleged emergency.

The St. Joseph County Courts will provide a status update to the Indiana Supreme Court no later than April 30, 2020, regarding the need for ongoing emergency relief.

Respectfully submitted,

/s/ Elizabeth C. Hurley
Hon. Elizabeth C. Hurley, Chief Judge
St. Joseph Superior Court

/s/ John E. Broden
Hon. John E. Broden, Judge
St. Joseph Circuit Court

/s/ Jason A. Cichowicz
Hon. Jason A. Cichowicz, Judge
St. Joseph Probate Court