

20S-CB-134

TIPTON CIRCUIT COURT

TIPTON, INDIANA

RULE AR 17 PETITION

Comes now the Tipton Circuit Court and petitions the Supreme Court for relief under Indiana Administrative Rule 17. In support of this Petition, the Court informs the Supreme Court as follows:

1. The Circuit Court of Tipton County, Indiana has 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 Tipton County Health Department has declared a local health emergency.

The Judge of Tipton Circuit Court requests that the Supreme Court declare that an emergency exists in Tipton County and the City of Tipton, under the authority of Ind. Admin., R. 17, and to make appropriate emergency orders for Tipton County and the City of Tipton, directing and allowing the Court and Clerk of Tipton 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

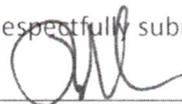
The Court submits the following as the Emergency Plan of Tipton County/City of Tipton:

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 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 conference call, in all civil matters.
3. Continue civil pre-trial conferences 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 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 Tipton City Police Department and Tipton 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 do 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 Tipton Circuit Court to litigants only. No spectators will be permitted to enter the Tipton Circuit Court without good cause shown.
10. Continue all jury trials 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 by conference call.
14. Suspend issuing all body attachments and Title IV-D attachments.
15. Utilize video conferencing in Juvenile Court for all fact-finding hearings and termination hearings in CHINS cases where either parent is in the Tipton County Jail.
16. Setting/Re-Setting non-adjudicatory, non-detention Juvenile CHINS and Delinquency Proceedings outside the statutory time frame as deemed necessary by the Juvenile Court.

The Tipton Circuit Court proposes this Plan to remain in effect until May 1, 2020.

Respectfully submitted,



THOMAS R. LETT, Judge
Tipton Circuit Court