

**IN THE INDIANA SUPREME COURT
INDIANAPOLIS, INDIANA
CASE NO.: 20S-CB-142**

AMENDED

EMERGENCY PETITION FOR ADMINISTRATIVE ORDERS FOR ADAMS COUNTY

Come now the circuit Court and Superior Court (including Drug Court) of Adams County and petition the Supreme Court for relief under Ind. Administrative Rule 17. In support of this petition, the courts inform the Supreme Court as follows:

The courts of Adams County have convened in banc and have determined:

- A. That the World Health Organization has determined the outbreak of COVID-19 is a worldwide pandemic, and that it is spreading across the nation, state, and world.
- B. That on March 13, 2020, President Trump declared a National Emergency as a result of the COVID-19 outbreak.
- C. That on March 6, 2020, Governor Holcomb signed an executive order declaring an emergency related to COVID-19.
- D. That the Center for Disease Control (“CDC”) has determined the “social distancing” among other preventative measures is necessary for the prevention of further spreading the COVID-19 virus.
- E. That the CDC has further determined that drastic steps are immediately required to halt the spread of the virus and to protect public health care systems from being inundated, including rescheduling events with 50 or more people for the next eight (8) weeks (if possible).
- F. Adams County has a confirmed case of COVID-19.
- G. That all K-12 Schools located in Adams County have closed from March 13, 2020 until April 13, 2020.
- H. That a public statement from the Adams County Department of Health encourages “social distancing”, avoiding mass gatherings or public events, and advises high risk individuals to stay home as much as possible.
- I. That as of March 15, 2020, the President of the United States recommended, inter alia, avoiding restaurants, travel and gatherings of more than 10 people.
- J. That the Courts have consulted with or reviewed information and directives provided by leaders from Adams County including but not limited to: local law enforcement, the Mayor of Decatur, Adams County Commissioners, and Adams County Department of Health.

- K. That the entire population of Adams County is susceptible to the virus, as based upon the most recent information available, there is currently no vaccine available for the COVID-19 virus.
- L. That the Court finds that on any given day several hundred people enter into, and congregate in, the Adams County Courthouse, the Adams Superior Court Building, the Adams County Complex and the Adams County Community Corrections building. This includes those people who appear for hearings and/or jury trials in Circuit, Superior and Drug Court, those who appear for Probation and Community Corrections, those who appear in person in the Clerk's Office, and who appear in person at the Prosecutor's and Public Defender's Offices.
- M. That the Courts find that ordering large volumes of people to appear at the Adams County Courthouse, the Adams Superior Court Building, the Adams County Service Complex and the Adams County Community Corrections building represents a failure to halt the spread of COVID-19.
- N. That due to a shortage of cleaning and sanitation products in all of the local stores, the Courts find that Adams County does not possess adequate hygiene stations or sanitation supplies to keep up with the continuous cleaning that would be required should large groups of people continue to appear in the immediate future.
- O. That the Courts have conferred or attempted to confer with several justice stakeholders including the Prosecutor's Office, the Public Defender's Office, Adams County Probation, the Sheriff of Adams County, the Clerk of Adams County, President of the Adams County Bar Association, and the Presidents of the Adams County Commissioners and Adams County Council regarding the situation and received their input on the proposed plan.
- P. That the protection of Adams County Judicial Employees, Adams County Prosecutorial Employees, Adams County local government employees and the public is priority.
- Q. That the local courts have appointed Judge Patrick R. Miller as the presiding Judge for this emergency.
- R. That the judges of the Adams Circuit Court and the Adams Superior Court and Adams County Drug Court request that the Supreme Court declare that an emergency exists in Adams County under the authority of Ind. Admin Rule 17, and to make appropriate emergency orders for Adams County directing and allowing the courts and clerk of Adams County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith.
- S. That the Adams Circuit Court, the Adams Superior Court's and the Adams County Drug Court's Emergency Plan which would take place upon approval of the Supreme Court and run through May 4, 2020 (unless otherwise noted below), is as follows:

1. That being cognizant of the transparency of the Courts and the Judicial System, the Courts may take steps to limit spectators in the courtroom to provide adequate social distancing, if necessary, for the safety of Court, Prosecutor and County employees and the public in general, taking into consideration the constitutional rights of all parties. This shall not include the litigants and/or their attorneys.
2. The immediate continuance of all jury trials, civil and criminal, including those requests for a "fast and speedy" trial until May 4, 2020, to eliminate the gathering of large groups of people to try to limit the spread of the COVID-19 virus.
3. That the Courts will suspend all civil proceedings except to those that are emergencies or "urgent" in nature. That the Courts will use their discretion to determine which cases are emergencies or "urgent" in nature. That, at a minimum, those emergency and/or urgent cases shall include protective orders, emergency CHINS proceedings, JD and JC detention hearings, and emergency custody and visitation motions.
4. That the Courts will suspend all criminal proceedings except emergency motions and petitions, bond hearings, arraignments, initial hearings, emergency hearings, drug court hearings and any other criminal proceeding deemed urgent by the court.
5. That the Courts respectfully request that the Supreme Court authorize the tolling of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters; all judgements, support and other orders; and in all other criminal and civil matters before the courts of Adams County between March 17, 2020 through May 4, 2020.
6. That for incarcerated individuals, the Courts will utilize video conferencing to conduct hearings whenever reasonably possible.
7. That effective from the date of this order through May 4, 2020, any attorney who desires to appear remotely for any status conference or non-evidentiary hearing may do so upon proper notification to the court. That no formal motion shall be required, and a notice of remote appearance shall suffice.
8. That remote appearances may be coordinated through the staff of either the Adams Circuit Court, the Adams Superior Court or the Adams County Drug Court.
9. With respect to evidentiary hearings and trials, the courts now hereby find that:
 - (i) the existence of flu or "flu-like" symptoms in any party to the case, including witnesses expected to testify; or
 - (ii) exposure of such individuals to anyone who has or may have COVID-19,
 - (iii) shall be considered good cause for any motion to appear remotely or continue a court setting.

To the extent possible, and without violating statutory or constitutional rights, the court will accommodate those requests/motions.

- T. The judges of the Adams Circuit Court, the Superior Court and Drug Court of Adams County request that the Supreme Court declare that an emergency exists in Adams County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Adams County directing and allowing the courts and clerk of Adams 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 Adams County, Indiana, this March 17, 2020.



**Chad E. Kukelhan, Judge
Adams Circuit Court**



**Patrick R. Miller, Judge
Adams Superior Court
Adams County Drug Court**

20S-CB-142

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INDIANAPOLIS, INDIANA
CASE NO.:**

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Come now the Superior Court (and Drug Court) of Adams County and petition the Supreme Court for relief under Ind. Administrative Rule 17. In support of this petition, the courts inform the Supreme Court as follows:

The Court has convened and has determined:

- A. That the World Health Organization has determined the outbreak of COVID-19 is a worldwide pandemic, and that it is spreading across the nation, state, and world.
- B. That on March 13, 2020, President Trump declared a National Emergency as a result of the COVID-19 outbreak.
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- I. That as of March 15, 2020, the President of the United States recommended, inter alia, avoiding restaurants, travel and gatherings of more than 10 people.
- J. That the Court has consulted with or reviewed information and directives provided by leaders from Adams County including but not limited to: local law enforcement, the Mayor of Decatur, Adams County Commissioners, and Adams County Department of Health.

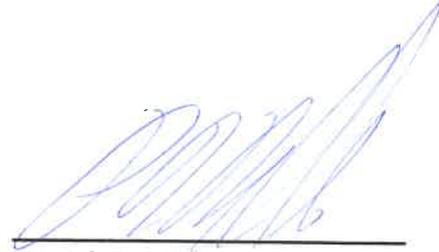
- K. That the entire population of Adams County is susceptible to the virus, as based upon the most recent information available, there is currently no vaccine available for the COVID-19 virus.
- L. That the Court finds that on any given day several hundred people enter into, and congregate in, the Adams County Courthouse, the Adams Superior Court Building, the Adams County Complex and the Adams County Community Corrections building. This includes those people who appear for hearings and/or jury trials in Superior and Drug Court, those who appear for Probation and Community Corrections, those who appear in person in the Clerk's Office, and who appear in person at the Prosecutor's and Public Defender's Offices.
- M. That the Court finds that ordering large volumes of people to appear at the Adams County Courthouse, the Adams Superior Court Building, the Adams County Service Complex and the Adams County Community Corrections building represents a failure to halt the spread of COVID-19.
- N. That due to a shortage of cleaning and sanitation products in all of the local stores, the Court finds that Adams County does not possess adequate hygiene stations or sanitation supplies to keep up with the continuous cleaning that would be required should large groups of people continue to appear in the immediate future.
- O. That the Court has conferred or attempted to confer with several justice stakeholders including the Prosecutor's Office, the Public Defender's Office, Adams County Probation, the Sheriff of Adams County, the Clerk of Adams County, President of the Adams County Bar Association, and the Presidents of the Adams County Commissioners and Adams County Council regarding the situation and received their input on the proposed plan.
- P. That the protection of Adams County Judicial Employees, Adams County Prosecutorial Employees, Adams County local government employees and the public is priority.
- Q. That the judge of the Adams Superior Court and Adams County Drug Court requests that the Supreme Court declare that an emergency exists in Adams County under the authority of Ind. Admin Rule 17, and to make appropriate emergency orders for Adams County directing and allowing the courts and clerk of Adams County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith.
- R. That Adams Superior Court's and Adams County Drug Court's Emergency Plan which would take place upon approval of the Supreme Court and run through May 4, 2020 (unless otherwise noted below), is as follows:
 - 1. That being cognizant of the transparency of the Courts and the Judicial System, the Court may take steps to limit spectators in the courtroom to provide adequate social distancing, if necessary, for the safety of Court, Prosecutor and County employees and the public in general, taking into consideration the constitutional rights of all parties. This shall not include the litigants and/or their attorneys.

2. The immediate continuance of all jury trials, civil and criminal, including those requests for a “fast and speedy” trial until May 4, 2020, to eliminate the gathering of large groups of people to try to limit the spread of the COVID-19 virus.
3. That the Court will suspend all civil proceedings to those that are emergencies or “urgent” in nature. That the Court will use its discretion to determine which cases are emergencies or “urgent” in nature. That, at a minimum, those emergency and/or urgent cases shall include protective orders, emergency CHINS proceedings, JD and JC detention hearings, and emergency custody and visitation motions.
4. That the Court will suspend all criminal proceedings except emergency motions and petitions, bond hearings, arraignments, initial hearings, emergency hearings, drug court hearings and any other criminal proceeding deemed urgent by the court.
5. That the Court respectfully requests that the Supreme Court authorize the tolling of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters; all judgements, support and other orders; and in all other criminal and civil matters before the courts of Adams County between March 16, 2020 through May 4, 2020.
6. That for incarcerated individuals, the Court will utilize video conferencing to conduct hearings whenever reasonably possible.
7. That effective from the date of this order through May 4, 2020, any attorney who desires to appear remotely for any status conference or non-evidentiary hearing may do so upon proper notification to the court. That no formal motion shall be required, and a notice of remote appearance shall suffice.
8. That remote appearances may be coordinated through the staff of either the Adams Superior Court or the Adams County Drug Court.
9. With respect to evidentiary hearings and trials, the court now hereby finds that:
 - (i) the existence of flu or “flu-like” symptoms in any party to the case, including witnesses expected to testify; or
 - (ii) exposure of such individuals to anyone who has or may have COVID-19,
 - (iii) shall be considered good cause for any motion to appear remotely or continue a court setting.

To the extent possible, and without violating statutory or constitutional rights, the court will accommodate those requests/motions.

- S. If the Supreme Court believes that a presiding judge in Adams County is necessary to be designation for the duration of the emergency then the Honorable Patrick R. Miller is willing to be so designated.
- T. The judge of the Superior Court and Drug Court of Adams County requests that the Supreme Court declare that an emergency exists in Adams County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Adams County directing and allowing the courts and clerk of Adams 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 Adams County, Indiana, this March 17, 2020.



**Patrick R. Miller, Judge
Adams Superior Court
Adams County Drug Court**

¹ The Judge of the Adams Circuit Court has chosen to seek an order for emergency measures through a petition separate from that of the Adams Superior Court and the Adams County Drug Court.