

20S-CB-156

**Petition for Relief under Indiana Administrative Rule 17**

Comes now the Courts of Dearborn County (Dearborn Circuit Court, Dearborn Superior Court I, and Dearborn Superior Court 2) and petition the Supreme Court of Indiana for relief under Indiana Administrative Rule 17. In support of this petition, the Courts inform the Supreme Courts as follows:

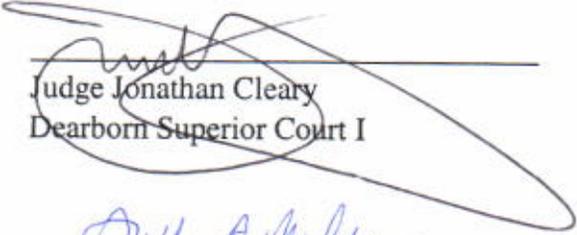
- 1.) The Courts of Dearborn County have convened in banc and have determined:
  - A. On March 6, 2020, Governor Holcomb declared a public health emergency in Indiana relating to the 2019 novel coronavirus (COVID-19); and on March 13, 2020 President Trump declared a natural emergency relating to the virus.
  - B. On March 16, 2020, Governor Holcomb, in a briefing, issued additional directives that Indiana will adhere to the Centers for Disease Control and Prevention (CDC); and on March 16, 2020, President Trump conveyed new CDC guidelines of avoiding groups of more than ten (10) people.
  - C. Dearborn County is located in the tri-state area in close proximity to Ohio and Kentucky, where both governors have declared a state of emergency.
  - D. All local schools in Dearborn County have been closed with undetermined re-opening dates in response to the coronavirus.
  - E. The City of Lawrenceburg where the courthouse is located, has implemented a city-wide access plan, suspending all public, non-emergency access to public facilities.
  - F. The Dearborn County Commissioners have issued a public notice “strongly urging citizens to refrain from visiting the Dearborn County Government Center where the Courts are located unless citizens have urgent business that cannot wait until this pandemic is under control,” and may suspend all public, non-emergency access to public facilities. The Courts have conferred with justice stakeholders, City and County government leaders and have received input on proposed operational changes.
  - G. The Courts are acting to protect the health and safety of our citizens, community, and general population to mitigate the spread of the virus, while maintaining essential and urgent court operations in this declared state of emergency.
  - H. The Courts of Dearborn County have appointed Judge Sally A. McLaughlin as presiding judge for this emergency.

The judges of Dearborn County request that the Supreme Court declare that an emergency exists in Dearborn County under the authority of Indiana Administrative Rule 17, and to make appropriate emergency orders for Dearborn County directing and allowing the Courts and Clerk of Dearborn County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith to address the emergency for the period of Wednesday, March 18, 2020 through Friday, April 17, 2020; including a toll on the timeframes set forth in Ind. Crim. R. 4.

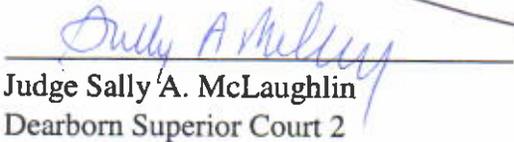
DONE Lawrenceburg, Indiana this 17<sup>th</sup> day of March, 2020.



Judge James D. Humphrey  
Dearborn Circuit Court



Judge Jonathan Cleary  
Dearborn Superior Court I



Judge Sally A. McLaughlin  
Dearborn Superior Court 2

## **The Dearborn County Courts Emergency Plan**

In response to the novel coronavirus (COVID-19) public health emergency as declared by President Trump and Governor Halcomb; and to protect the health and safety of our citizens, community, employees and general public, the Dearborn County Courts submit the following emergency plan to be in effect from March 18, 2020, through April 17, 2020:

- 1.) Tolling all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters; all judgments, support, and other orders; and in all other civil and criminal matters before each of the Courts (Dearborn Circuit Court, Dearborn Superior Court I, and Dearborn Superior Court 2);
- 2.) Continuing all civil and criminal trials scheduled from March 18, 2020 through April 17, 2020.
- 3.) Extending existing jury panels through June 30, 2020 unless the Courts determine a need to call a new panel.
- 4.) Continuing and/or rescheduling non-essential hearings as determined by each court; urgent and emergency matters will be held including but not limited to criminal hearings of defendants in custody, domestic violence proceedings, detained juveniles, and emergency CHINS hearings, and such other hearings and/or proceedings determined by the Judge of each court.
- 5.) To accommodate any potential illness or quarantine of court staff or judges, the judges may share staffing resources; the Judge and Magistrate of the Circuit Court, Judge of Superior Court I, and Judge of Superior Court 2 may sign orders and/or preside over emergency hearings in any of the courts on request of the presiding judge and each judge shall have general jurisdiction.
- 6.) The courts may use telephonic or video technology in lieu of in-person appearances unless a litigant's due process rights would be violated. This may include guilty pleas and sentencing when agreed by all parties and the Court determines meaningful consultation can occur with counsel and there are findings of emergent public health concerns.
- 7.) The courts will issue summons in lieu of bench warrants or notices of failure to appear unless there is a high risk to community safety involved as determined by the judge.
- 8.) The courts will allow attorneys, self-represented litigants, and witnesses to appear remotely or continue hearings when there is a risk of exposure by the individual to COVID-19 and/or other health concerns.
- 9.) Each Court may allow any non-evidentiary hearings through teleconferencing as requested by any attorney on self-represented litigant on request without a formal motion and order.

- 10.) The Courts may limit and discourage spectators and limit court proceedings to the parties to the litigation and attorneys to the extent possible without violating constitutional and statutory rights.
- 11.) The Clerks of Courts will provide deposit boxes for conventionally filed documents.
- 12.) The Court may direct bailiffs and security officers to deny entrance to individuals and signage relaying this information shall be posted at the public entry points to the courts:
  - a. Visited China, Iran, South Korea, and European countries, or any other high-risk countries identified by the CDC in the previous fourteen (14) days;
  - b. Resided with or been in close contact with someone who has been in any of those countries within the previous fourteen (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 diagnosed with or had contact with anyone who has been diagnosed with COVID-19; or
  - f. A fever, cough or shortness of breath;
- 13.) Individuals with legitimate court business may request a continuance by phone to the court staff or clerk if they are ill, caring for someone who is ill, or in a high-risk category.
- 14.) The Courts will hold all status and pre-trial hearings telephonically unless the Court determines an in-person hearing is required.
- 15.) Problem Solving Courts, Court A&D Programs, Probation, Southeastern Community Corrections, and Jail Chemical Addiction Program (JCAP) may provide services through video-conferencing and/or telephonically and shall modify practices to promote the health and safety of the community, and participants to mitigate exposure to the virus as reviewed and/or requested by the Courts.
- 16.) Staff shall be allowed to work off-site where can be accommodated and individuals who are at high risk or have been exposed to the virus will not work on site.