

20S-CB-152

FRANKLIN CIRCUIT COURTS EMERGENCY PETITION PURSUANT TO ADMINISTRATIVE RULE 17

MOTION TO AMEND EMERGENCY PETITION

Comes now Judge, J. Steven Cox, the presiding Judge for this emergency and hereby moves the Court to amend the Petition filed in the above-mentioned cause to exclude "Item C" due to said item being inaccurate, as there are no employees of the court currently diagnosed or testing positive for Covid-19 virus, which information was inadvertently included in the Petition filed on March 17, 2020.

Respectfully Submitted,



J. STEVEN COX, JUDGE
FRANKLIN CIRCUIT COURT

20S-CB-152

FRANKLIN CIRCUIT COURTS EMERGENCY PETITION PURSUANT TO ADMINISTRATIVE RULE 17

Come now the Franklin Circuit Courts and petition the Supreme Court for relief under Ind. Administrative Rule 17. In Support of this petition, the Franklin Circuit Courts inform the Supreme Court as follows:

1. The Franklin Circuit Courts have convened en banc and have determined:
 - A. That the COVID-19 or corona virus is spreading across the nation, state, and world.
 - B. That on March 6, 2020, governor Eric Holcomb signed an executive order declaring an emergency related to the corona virus.
 - C. That as of 10:30 a.m. on Friday, March 13, 2020, two employees of agencies that are stakeholders in the operations of the Franklin Circuit Courts are currently under Quarantine. Their return date is unknown.
 - D. That the Franklin County Health Department has directed Franklin County residents to the Centers for Disease Control website for guidance and instruction. The public school corporation in Franklin County, the Franklin County Community Schools, has closed their schools from Monday, March 16, 2020 until Monday, April 13, 2020.
 - E. That Judge J. Steven Cox is the presiding Judge for this emergency.
 - F. The Judges of the Franklin Circuit Courts request that the Supreme Court declare that an emergency exists in Franklin County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Franklin County directing and allowing the courts and clerk of Franklin County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency.

- G. That the Judges of the Franklin Circuit Court further request authority to suspend the time limits for all Juvenile CHINS, Juvenile Delinquency and Emergency Mental Health Commitment. Probable Cause Hearings until appropriate logistical arrangements can be made for remote hearings in each case type, and
- H. That the Judges of the Franklin Circuit Court further request authority to suspend any and all court action requiring the travel of Court personnel including probation Staff and CASA volunteers to any other facility or care provider contracted by the Court for such services; and
- I. That the Judges of the Franklin Circuit Court further request authority to suspend all hearings and Petitions for hearing originating from persons held within the Indiana Department of Corrections or any other penal facility which request would require a transport order; and
- J. That the Judges of the Franklin Circuit Court further request authority to suspend and/or reschedule criminal and civil jury trials for a limited time (subject in criminal cases to the Constitutional right to speedy trial and Constitutional protection against double jeopardy).
- K. That the Judges of the Franklin Circuit Court further request authority to use telephonic or video technology in lieu of in-person appearances, unless a litigant's due process rights would be violated.
- L. That the Judges of the Franklin Circuit Court further request authority to allow any attorney wishing to appear remotely (e.g., through teleconference systems, etc.) for any status conference or non-evidentiary hearing without further leave of court upon filing a "Notice of Remote Appearance" in the court in which the matter will be heard.
- M. That the period of suspension of activity requested above shall be from the effective date of the petition until April 30, 2020, or until rescission of the Order by the Indiana Supreme Court.

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

Respectfully Submitted, March 17th, 2020



J. STEVEN COX, JUDGE
FRANKLIN CIRCUIT COURT



CLAY M. KELLERMAN, JUDGE
FRANKLIN CIRCUIT COURT DIVISION 2