

20S-CB-137

STATE OF INDIANA)
)
COUNTY OF HENDRICKS)

Hendricks County Courts’ Petition for Emergency Measures Under Administrative Rule 17

The Hendricks County Circuit and Superior Courts petition the Indiana Supreme Court for relief under Indiana Administrative Rule 17. In support of this Petition, the Hendricks County Courts inform the Indiana Supreme Court as follows:

The Hendricks County Courts have convened *en banc* and conferred with the clerk, sheriff, prosecutor, chief public defender, chief probation officer, and other local officials, including the Hendricks County Health Officer, and have determined:

1. That on March 6, 2020, the State of Indiana declared a public health emergency for the COVID-19 outbreak;
2. That on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the WHO;
3. That on March 15, 2020, the Centers for Disease Control and Prevention called for the cancellation of in-person events of 50 or more people for the next eight (8) weeks to try to prevent the spread of COVID-19;
4. That the Hendricks County Courts’ operations result in hundreds of people entering the courthouse each week.

The judges of the Hendricks County Courts request that the Indiana Supreme Court declare an emergency exists in Hendricks County under the authority of Indiana Administrative Rule 17,

and to make appropriate emergency orders for the Hendricks County Courts. To appropriately address this emergency, the Hendricks County Courts request that the emergency order of the Indiana Supreme Court direct and allow the courts and clerk of Hendricks County to alter, modify, and suspend necessary procedures as provided in the Emergency Plan.

Emergency Plan

The Hendricks County Circuit and Superior Courts submit the following Emergency Plan for a period **beginning March 17, 2020 through and including April 17, 2020:**

1. Toll all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters; toll all judgments, support, and other orders; and, toll all other civil and criminal matters before the Hendricks County Courts. Further, no interest shall be due or charged during this tolled period.
2. In criminal cases:
 - a. Continue all pretrial conferences and non-essential hearings that will not result in a resolution of the case;
 - b. Hold pretrial and discovery status hearings by counsel only;
 - c. Allow attorney-only conferences whenever possible without the requirement of a motion;
 - d. Allow counsel to appear remotely by CourtCall or conference call by filing a “Notice of Remote Appearance” at least 24 hours prior to the scheduled hearing;
 - e. Upon court approval, allow defendants to appear via teleconference from jail for any hearings, except contested sentencing hearings and jury trials; and,

- f. Continue all out-of-custody criminal jury trials and of in-custody jury trials if the rights of the defendant will not be violated.
3. In civil cases:
- a. Continue all civil jury trials;
 - b. Continue all bench trials;
 - c. Continue all non-essential matters;
 - d. Use CourtCall or conference call to:
 - i. conduct hearings that involve agreed issues;
 - ii. allow parties to appear remotely, unless a litigant's due process rights would be violated; and,
 - iii. allow attorneys to appear remotely for any civil status conference, pretrial conference, or non-evidentiary hearing by filing a "Notice of Remote Appearance" at least twenty-four (24) hours prior to the scheduled hearing;
 - e. Allow attorney-only conferences whenever possible without the requirement of a motion;
 - f. Suspend issuing civil body attachments and Title IV-D attachments; and,
 - g. Use videoconferencing in juvenile court for all fact-finding and termination hearings in CHINS cases where either parent is in the Hendricks County Jail.
4. Limit spectators (other than parties to the litigation and their attorneys) in the Hendricks County Courthouse to the extent necessary to provide adequate social distancing.

Respectfully submitted,

s/Daniel F. Zielinski

Daniel F. Zielinski, Judge
Hendricks Circuit Court

s/Robert W. Freese

Robert W. Freese, Judge
Hendricks Superior Court No. 1

s/Rhett M. Stuard

Rhett M. Stuard, Judge
Hendricks Superior Court No. 2

s/Karen M. Love

Karen M. Love, Judge
Hendricks Superior Court No. 3

s/Mark A. Smith

Mark A. Smith, Judge
Hendricks Superior Court No. 4

s/Stephenie LeMay-Luken

Stephenie LeMay-Luken, Judge
Hendricks Superior Court No. 5