

INDIANA SUPREME COURT

IN RE: THE MATTER OF REQUESTING
RELIEF UNDER INDIANA
ADMINISTRATIVE RULE 17

CAUSE NO:
20S-CB-171

HOWARD CIRCUIT AND SUPERIOR COURTS

CAUSE NO. 34C01-2003-CB-00638

EMERGENCY PETITION FOR ADMINISTRATIVE ORDERS FOR HOWARD COUNTY COURTS

Come now the Courts of Howard 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 Howard County have convened *in banc* and have determined:

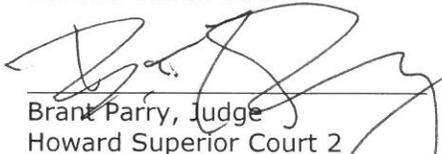
- A) That the World Health Organization has determined the outbreak of COVID-19 is a worldwide pandemic, and that it is spreading across the nation, state, and world;
- B) That on March 13, 2020, President Trump declared a National Emergency as a result of the COVID-19 outbreak;
- C) That on March 6, 2020, Governor Holcomb signed an executive order declaring an emergency related to COVID-19;
- D) That the Center for Disease Control 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 for being inundated;
- F) That all K-12 Schools located in Howard County have closed from March 13, 2020 until April 13, 2020. In addition to the K-12 Schools, Indiana University - Kokomo has suspended all in-person classes for the remainder of the Spring semester of 2020;
- G) That on March 16, 2020, the Howard County Commissioners issued an order imposing restrictions upon the Howard County public aimed at fighting the spread of COVID-19 in the community, including the closing of all school facilities and most public and private facilities frequented by the public except for organizations providing essential services until April 19, 2020; implementing a restriction to limit any public or private gathering to no more than ten (10) people and restrict travel for only necessary and essential purposes for a period of sixty (60) days;
- H) That it is the County Commissioner's Order was entered after input from the Howard County Health Department, members of the EMA, local law enforcement, the Mayor of Kokomo, other county officials, and medical personnel from the local hospitals;

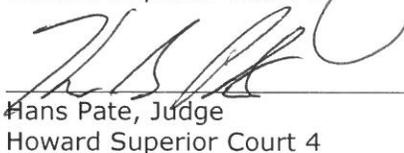
- I) That the entire population of Howard County is susceptible to the virus, as based upon the most recent information available, including that as of this date, there are two (2) persons in Howard County who have tested positive for the COVID-19 virus;
- J) That the Courts find that on any given day several hundred people enter into, and congregate in, the Howard County Courthouse. Including those people that appear for hearings and/or jury trials in the Circuit Court or Superior Courts, those that appear for Probation, those that appear in person in the Clerk's Office, and those that appear in person at the Prosecutor's Office;
- K) That the Courts find that continuing to conduct business where large volumes of people appear at the Howard County Courthouse represents a failure to halt the spread of COVID-19;
- L) That the Courts have conferred with several justice stakeholders including the Prosecutor's Office, Howard County Probation, the Sheriff of Howard County, the Clerk of Howard County, and the President of the Howard County Commissioners regarding the situation and received their input on the proposed plan;
- M) That the protection of the health and safety of public citizens and the Howard County Employees is of the highest priority;
- N) That the Howard County Courts have appointed Judge Lynn Murray as the presiding Judge for this emergency;
- O) That the judges of the Howard County Courts request that the Supreme Court declare that an emergency exists in Howard County under the authority of Ind. Admin Rule 17, and to make appropriate emergency orders for Howard County directing and allowing the courts and clerk of Howard County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith.
- P) That Howard County Court's Emergency Plan which would take effect upon approval by the Supreme Court and through April 17, 2020 (unless otherwise noted below), is as follows:
 - 1) That being cognizant of the transparency of the Courts and the Judicial System, the Courts will limit spectators in the courtroom to provide adequate social distancing, if necessary, for the safety of County employees and the public in general, taking into consideration the constitutional rights of all parties. This shall not include the Parties 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 past April 17, 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 those that are emergencies or "urgent" in nature. That each 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 certain emergency custody and parenting time motions;

- 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 Howard County between March 17, 2020 through April 19, 2020;
- 6) That for individuals incarcerated at the Howard County Criminal Justice Center (HCCJC) and Kinsey Youth Center, the Courts will utilize video conferencing to conduct hearings;
- 7) That effective from the date of this order through April 17, 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 Howard Superior Courts or Howard Circuit 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, 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.

DONE at Howard, Indiana, this 17th day of March, 2020.


Lynn Murray, Judge
Howard Circuit Court


Brant Parry, Judge
Howard Superior Court 2


Hans Pate, Judge
Howard Superior Court 4


William Menges, Judge
Howard Superior Court 1


Douglas Tate, Judge
Howard Superior Court 3