

20S-CB-150

STATE OF INDIANA)	MORGAN CIRCUIT COURT
)	MORGAN SUPERIOR COURT 1
)	MORGAN SUPERIOR COURT 2
COUNTY OF MORGAN)	MORGAN SUPERIOR COURT 3

IN THE MATTER OF PETITION FOR RELIEF
 UNDER ADMINISTRATIVE RULE 17

PETITION FOR RELIEF UNDER
INDIANA ADMINISTRATIVE RULE 17

The Circuit and Superior Courts of Morgan County (“Morgan Courts”) petition the Indiana Supreme Court for relief under Administrative Rule 17 due the spread of the COVID-19 virus and in an effort to mitigate the spread of the COVID-19 virus and in the interest of public health. The Board of Judges of the Morgan Courts have met *en banc*, conferred, and authorize the filing of this Petition and the request for the relief set forth herein.

1. The COVID-19 virus outbreak has been declared a national emergency by the president of the United States and state emergency by the Governor of the State of Indiana. All public schools in the area have been cancelled, together with numerous other events and activities that may result in interpersonal contact. It is the duty of the government and the Morgan Courts to respond to the crisis in a manner that balances public health and the constitutional and legal duties of the courts.

2. Peter R. Foley, Judge of Morgan Superior Court 1, has been appointed by the Morgan Courts to serve as the presiding judge during this emergency and term of any emergency order.

3. The Morgan Courts submit the following Emergency Plan for the Morgan Courts to remain in place and effect beginning immediately and continuing through April 10, 2020, unless extended or earlier terminated.

Emergency Plan for the Morgan Courts

A. This Emergency Plan shall be effective immediately upon approval by the Indiana Supreme Court through and including April 10, 2020, unless extended or sooner terminated.

B. 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, in all other civil and criminal matters

before the Morgan Courts shall be tolled. Further, no interest shall be due or charged during this tolled period.

C. All civil proceedings, including civil jury trials, shall be suspended, except for protective orders in domestic violence cases, mental health matters, public health matters, or other emergency matters as determined by the Morgan Courts, and any emergency juvenile matters, including any Child in Need of Services (CHINS) and juvenile proceedings deemed essential by the Morgan Circuit Court, which has juvenile jurisdiction.

D. All criminal proceedings, including criminal jury trials, shall be immediately suspended, except for emergency motions and petitions, bond hearings, arraignments for inmates, initial hearings, emergency hearings, and any criminal hearing or proceeding necessary to protect a defendant's right to a speedy trial.

E. The Morgan Courts shall have the authority to limit access by the public, spectators, or any other persons, to the Morgan Courts and the Morgan County Courthouse, subject to any applicable constitutional limitation.

F. The Morgan Courts shall have the authority to limit and direct staff as may be appropriate to ensure the continuation of the essential functions of the court.

G. All Morgan Courts are authorized to utilize video conferencing, or telephonic participation for a party or counsel, for any hearings or proceedings that may be conducted during the term of the Emergency Order, unless a litigant's due process rights would be violated.

H. No civil or criminal jury trial shall be set sooner than three (3) weeks after the expiration of this Emergency Plan in order to allow for adequate notice to the jury panel, parties, and counsel.

I. The Morgan Courts are authorized to direct Morgan County Probation and Community Corrections to take all necessary actions for those offices to limit any interpersonal contact between staff and their clients or the public, to include use of telephonic conferences with clients and to defer any intake or other referrals to probation or community corrections, until termination of the Emergency Plan.

J. The Morgan Courts are authorized to defer any short-term incarceration commitments to the Morgan County Jail, in order to avoid the unnecessary processing of inmates and potential contamination within the jail, until termination of the Emergency Plan.

K. Authorizing the Morgan County Clerk and the Morgan Courts to utilize a drop box for conventionally filed documents.

L. The Morgan Courts shall communicate to the Morgan County Bar and the public the terms of this Emergency Plan and will be available to meet in order to deal with the emergency and other pressing matters.

5. The judges of the Morgan Courts request that the Supreme Court declare that an emergency exists in Morgan County, Indiana under the authority of Administrative Rule 17, and to make appropriate emergency orders for Morgan County directing and allowing the Morgan Courts and the Clerk of Morgan County to alter, modify, and suspend necessary procedures as provided in the Emergency Plan, so as to appropriately address this emergency.

Dated: March 17, 2020.



MATTHEW G. HANSON, Judge
Morgan Circuit Court



PETER R. FOLEY, Judge
Morgan Superior Court 2



BRIAN H. WILLIAMS, Judge
Morgan Superior Court 2



SARA A. DUNGAN, Judge
Morgan Superior Court 3