

20S-CB-166

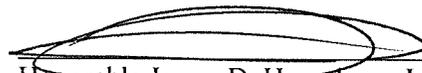
ADMINISTRATIVE RULE 17 PETITION

Come now the Circuit Court of Ohio County and petitions the Supreme Court for relief under Ind. Administrative Rule 17. In support of this petition, the Court informs the Supreme Court as follows:

1. The Ohio Circuit Court is on the only court in the county. This is a joint circuit with Dearborn Circuit Court.
2. On March 6, 2020, Governor Holcomb has declared a public health emergency in Indiana relating to the 2019 novel coronavirus (COVID-19); and on March 13, 2020, President Donald J. Trump declared a national emergency relating to the virus.
3. 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”) recommendations and guidelines. The CDC has determined that “social distancing” is necessary to minimize further spread of the virus.
4. On March 16, 2020, President Trump conveyed new CDC guidelines of avoiding groups of more than ten (10) people.
5. In Ohio County, local schools are closed, restaurants are closed (except for carryout meals) and other businesses that have large groups of people are likewise closed.
6. The Honorable James D. Humphrey is the presiding judge for the Ohio Circuit Court and as such is the presiding Judge for this emergency.
7. The Court is 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.

This Court is requesting that the Supreme Court declare an emergency exists in Ohio County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Ohio County directing and allowing the Ohio Circuit Court and the Clerk of Ohio County, Indiana to alter, modify and suspend necessary procedures as provided in the emergency plan submitted herewith as to appropriately address this emergency.

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


Honorable James D. Humphrey, Judge
Ohio Circuit Court

OHIO CIRCUIT COURT EMERGENCY PLAN FOR CONTINUITY OF OPERATIONS
PLAN IN CONJUNCTION WITH COUNTY EMERGENCY AND PUBLIC HEALTH
AUTHORITIES

In response to the 2020 novel Coronavirus (COVID-19) public health emergency as declared by President Donald J. Trump and Governor Halcomb and to protect the health and safety of our citizens, community, employees and general public, the Ohio County Circuit Court submits the following emergency plan to be in effect from March 18, 2020 through April 17, 2020 under Indiana Administrative Rule 17:

1. The Court hereby tolls all laws, rules and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health and appellate matters; all judgments, support and other orders; and in all other civil and criminal matters before the Ohio Circuit Court.
2. The Court continues all civil and criminal jury trials scheduled from March 18, 2020 through April 17, 2020.
3. The Court extends existing jury panels through June 30, 2020 unless the Court determines a need to call a new panel.
4. The Court will continue and/or reschedule non-essential hearings as determined by the Court. Proceedings concerning domestic violence, urgent and emergency matters, as determined by the Court, will be held. This will include, but is not limited to, criminal hearings of defendants in custody, domestic violence proceedings, detained juveniles and CHINs proceedings and such other hearings determined by the Judge or Magistrate of the Court. Certain hearings may be conducted telephonically or by other electronic means.
5. In order to accommodate any potential illness or quarantine of Court staff, the Court may appoint a Senior Judge, Judge Pro-Tem, or other designee to sign orders or preside over emergency hearings at the request of the Judge or Magistrate of the Ohio Circuit Court.
6. The Court 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 hearings when agreed to by all parties and the Court determines meaningful consultation can occur with counsel and there are findings of emergent public health concerns.
7. Issuing 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 or Magistrate.
8. Allowing attorneys, self-represented litigants and witnesses to appear remotely or continuing hearings when there is a risk of exposure by the individual to COVID-19 and/or other health concern.
9. The Court may allow non-evidentiary hearings be conducted through teleconferencing as requested by any attorney or self-represented litigant.

10. The Court may limit and discourage spectators to the litigation to the extent possible without violating constitutional and statutory rights.
11. The Clerk of Courts will provide deposit boxes for conventionally filed documents.
12. The Court may direct the Bailiff and Court Security Officers to deny entrance to individuals who:
 - A. Visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC in the previous 14 days;
 - B. Resided with or been in close contact with someone who has been in any of those countries within the previous 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. Has a fever, cough or shortness of breath;

Signage relaying this information shall be posted at the public entry points to the Court/Courthouse.

13. Individuals with legitimate Court business may request a continuance by telephone, email or facsimile to the Court staff or Court Clerk if they are ill, caring for someone who is ill or in a high-risk category.
14. The Court will hold all status and pretrial hearings telephonically unless the Court determines an in-person hearing is required.
15. Problem Solving Courts, Court A&D Programs, Probation and Southeast Regional Community Corrections may provide services through video conferencing and/or telephonically and shall modify practices to promote community health and safety, health of employees and participation to mitigate exposure to the virus as reviewed and/or requested by the Court.
16. The Court is authorized to reduce the number of court staff members working and/or to permit working remotely if feasible; provided, however, that the Court shall maintain sufficient operations to process emergency matters.
17. The Ohio Circuit Court clerk's office will remain open for the performance of essential services.

Dearborn Circuit Court

Third Floor Office

165 Mary St., Lawrenceburg, IN 47025

812-537-8865 | 812-532-2052 |



Clerk of Court

Ohio Circuit Court

TO:

FROM:

FAX:

PAGES:

PHONE:

DATE:

3-17-2020

RE:

CC:

Urgent

For Review

Please Comment

Please Reply

Please Recycle

Comments:

*This is the Ohio
County AR 17*

*Petition & Emergency
Plan for filings*

*Please contact
Magistrate Schmalz
at (812) 537-8865
with any questions.*