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MAR 18 2020

Lisa Witt
CLERK OF FAYETTE SUPERIOR COURT

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Lisa Witt
CLERK OF FAYETTE CIRCUIT COURT

20S-CB-194

IN THE FAYETTE CIRCUIT/SUPERIOR COURTS
STATE OF INDIANA

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

CAUSE NO. 21C01-2003-CB- 156

PETITION FOR RELIEF UNDER INDIANA ADMINISTRATIVE RULE 17

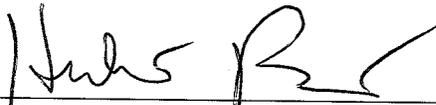
Come now the Courts of Fayette County and petition the Indiana Supreme Court for relief under Indiana Administrative Rule 17. In support of this petition, the Courts inform the Supreme Court as follows:

1. The Courts of Fayette County have convened in banc and have determined:
 - a. On March 6, 2020, Governor Holcomb declared a public health emergency in Indiana relating to the 2019 novel coronavirus (COVID-19).
 - b. On March 13, 2020, President Trump declared a national emergency relating to the virus.
 - c. On March 13, 2020, the Fayette County School Corporation has closed all schools in the district through April 12, 2020.
 - d. On March 13, 2020, the Fayette County Sheriff's Department implemented restrictions at the jail for the health and safety of the inmates.
 - e. The Centers for Disease Control and Prevention (CDC) has determined that social distancing is necessary to minimize further spread of the virus.
 - f. The Indiana Department of Health has issued and will continue to issue recommendations.
 - g. Appropriate public health response to the COVID-19 outbreak likely requires limiting trial court operations and inhibiting litigants' and courts' ability to comply with statutory deadlines and rules of procedure applicable in courts of this state.
 - h. On March 16, 2020, the Indiana Supreme Court ordered trial courts statewide to implement all relevant and necessary portions of its continuity of operations plan (COOP) in conjunction with county emergency and public health authorities.
 - i. On March 16, 2020, the Indiana Supreme Court directed trial courts to prepare appropriate emergency local plans to protect the health of court personnel, court users, and the public through enhanced social distancing.
2. Local needs now warrant petitioning for emergency measures under Indiana Administrative Rule 17, effective immediately and through April 30, 2020, for the following:
 - a. Tolling of 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 trial courts. Further, no interest shall be due or charged during this tolled period.

- b. Each of the judges of the courts of Fayette County will exercise general jurisdiction over any, and all, cases in each other's court.
- c. Suspending and/or rescheduling all criminal and civil jury trials (subject to the Constitutional right to speedy trial and Constitutional protection against double jeopardy.)
- d. Continuing and/or rescheduling non-essential hearings excluding emergency matters, and domestic violence hearings.
- e. Setting/resetting non-adjudicatory, non-detention Juvenile CHINS and Delinquency Proceedings outside the statutory timeframe as deemed necessary by the Juvenile Court.
- f. Setting/resetting Juvenile Termination hearings outside the statutory timeframes as deemed necessary by the Court.
- g. Using telephonic or video technology in lieu of in-person appearances, unless a litigant's due process rights would be violated.
- h. The Connersville Police Department and Fayette County Sheriff Department will issue Summonses in lieu of bench warrants or notices of failure to appear.
- i. Judges will consider (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; (b) exposure of such individuals to anyone who has or may have COVID-19; or (c) status of such individuals in a high-risk category; to constitute "good cause" to either appear remotely or continue a court setting, to the extent possible without violating statutory or constitutional rights.
- j. Allowing any attorney wishing to appear remotely via teleconference, 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.
- k. Subject to applicable Constitutional limitations, limiting spectators (other than the parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing.
- l. Fayette County court offices will operate as deemed necessary for essential matters; all non-essential matters will be completed remotely by staff through electronic methods.

Therefore, the judges of Fayette County request that the Indiana Supreme Court declare that an emergency exists in Fayette County under the authority of Indiana Administrative Rule 17, and to make appropriate emergency orders for Fayette County directing and allowing the courts to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency.

Done at Connersville, Indiana, this 18th day of March, 2020.



Hubert Branstetter, Jr.
Judge, Fayette Circuit Court



Paul L. Freed
Judge, Fayette Superior Court