

**IN THE FULTON CIRCUIT AND SUPERIOR COURTS  
ROCHESTER, INDIANA**

**STATE OF INDIANA ) CAUSE NO. 25C01-2003-CB- 000013**  
**) SS:**  
**COUNTY OF FULTON )**

**IN THE MATTER OF THE PETITION )  
OF THE COURTS OF FULTON COUNTY, )  
INDIANA, FOR EMERGENCY RELIEF )  
UNDER INDIANA ADMINISTRATIVE RULE 17 )**

**FILED**  
IN CLERK'S OFFICE  
MAR 18 2020  
*Jeri Turnipseed*  
CLERK, FULTON CIRCUIT COURT

**PETITION FOR RELIEF UNDER INDIANA ADMINISTRATIVE  
RULE 17**

Come now the Judges of the Circuit and Superior Court of Fulton County, Indiana, and petition the Indiana Supreme Court for relief under Indiana Administrative Rule 17. In support of this Petition, the undersigned judicial officers are providing the following information and requests to the Indiana Supreme Court:

1. On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of coronavirus disease 2019 (COVID-19) to be a “public health emergency of international concern.”
2. On March 6, 2020, Governor Eric Holcomb signed Executive Order 20-02, declaring an emergency related to COVID-19.
3. On March 11, 2020, the World Health Organization announced that COVID-19 is a pandemic.
4. On March 12, 2020, Governor Holcomb announced that non-essential gatherings were to be limited to no more than 250 people and that school corporations would be given a 20-day waiver of the required 180 instructional days for use as needed for the remainder of the 2019-2020 academic year.

5. On March 13, 2020, President Donald Trump declared a National Emergency as a result of the COVID-19 outbreak.

6. On March 16, 2020, Governor Holcomb called for the institution of a variety of additional restrictions as a result of the significant threat posed to the public by COVID-19, including, *inter alia*, the closure of bars, nightclubs, and restaurants to in-person patrons through the end of March 2020. Governor Holcomb also recommended that there be no in-person events consisting of more than 50 people.

7. On March 16, 2020, the White House called for Americans to avoid gathering in groups of more than 10 people and asked for them to stay away from bars and restaurants.

8. The Centers for Disease Control and Prevention (CDC) are recommending “social distancing” to limit the spread of COVID-19.

9. The operations of the Circuit and Superior Courts of Fulton County often lead to hundreds of individuals entering the Fulton County Courthouse on a given day.

10. The Courts have received numerous inquiries about the health and safety of litigants, counsel, members of the public, and the staff of court offices and other offices that are affiliated with the Courts.

11. The mitigation of the spread of COVID-19 is of the utmost importance for the protection of the citizens of Fulton County.

12. The undersigned judicial officers request that the Indiana Supreme Court declare that an emergency exists in Fulton County pursuant to Indiana Administrative Rule 17 and make appropriate emergency orders for Fulton County, directing and allowing the Courts and Clerk of Fulton County to alter, modify, and suspend necessary procedures as provided for in the emergency plan set forth in Paragraph 13, below, in order to appropriately address this emergency.

13. The Fulton Circuit and Superior Courts’ Emergency Plan, which shall take place upon approval of the Indiana Supreme Court and shall run through May 8, 2020 (unless otherwise noted below) is as follows:

- a. There shall be a tolling, beginning on March 18, 2020, and continuing through May 8, 2020, 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 Circuit and Superior Courts of Fulton County.
- b. Criminal and civil jury trials shall be rescheduled to take place after May 8, 2020 (subject in criminal cases to the Constitutional right to speedy trial and the Constitutional protection against double jeopardy).
- c. All non-essential hearings (excluding emergency matters, domestic violence hearings, and evidentiary hearings in criminal cases) may be continued to take place on a date after May 8, 2020.
- d. The Courts shall permit the use of telephone and/or videoconferencing in lieu of in-person appearances to the greatest extent possible, unless a litigant's due process rights would be violated.
- e. The Judges of the Fulton Circuit and Superior Courts have long had a policy permitting them to exercise general jurisdiction over any and all cases in each other's courts. That policy hereby is reaffirmed and shall continue during the period of this emergency.
- f. To the extent that it is reasonable, summonses may be issued in lieu of bench warrants or notices of failure to appear.
- g. The Courts shall consider: (i) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; (ii) exposure of such individuals to anyone who has or may have COVID-19; or (iii) status of such individuals in a high-risk category; to constitute "good cause" to either appear remotely or for the continuance of a hearing or trial setting, to the extent possible without violating statutory or constitutional rights.

- h. Any attorney wishing to appear remotely (e.g., via telephone or videoconferencing) for any status conference or non-evidentiary hearing may do so without further leave of Court upon notifying the Court of his or her desire to appear remotely in that fashion.
- i. Any individual who has a hearing or trial and who is ill or caring for someone who is ill or who is in a high-risk category may contact the Fulton County Clerk and/or the Courts via telephone to request a continuance or the opportunity to participate via telephone.
- j. Signage shall be posted at the entrance to the Fulton County Courthouse advising individuals not to enter the Courthouse if they have:
  - i. Visited China, Iran, South Korea, any European countries, or any other high-risk country identified by the CDC in the previous 14 days;
  - ii. Resided with or been in close contact with someone who has been in any of those countries within the previous 14 days;
  - iii. Traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
  - iv. Been asked to self-quarantine by any doctor, hospital, or health agency;
  - v. Been diagnosed with or had contact with anyone who has been diagnosed with COVID-19; or
  - vi. A fever, cough, or shortness of breath.
- k. Court security officers are directed to deny entrance to individuals who fall within any of the categories described in subparagraph (j), above.

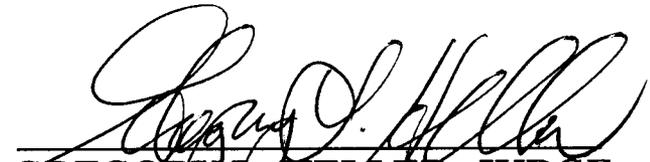
- l. Additionally, litigants will be requested to attend Court, when possible, only with their attorney and any witnesses whom they need to call during their hearing or trial.
- m. Members of the media shall be permitted access to any court proceedings to which they would normally be permitted access.
- n. Those who are attending court hearings and trials will be encouraged to exercise “social distancing” both outside and inside the Courtroom.
- o. To the extent that adequate sanitation materials (such as hand sanitizer and bleach wipes) are available, they shall be made available in each courtroom.

**WHEREFORE**, the undersigned judicial officers have hereunto set their hands this 18th day of March, 2020, and pray that the Indiana Supreme Court will grant the relief requested hereinabove.



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**A. CHRISTOPHER LEE, JUDGE  
FULTON CIRCUIT COURT**



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**GREGORY L. HELLER, JUDGE  
FULTON SUPERIOR COURT**