

IN THE
INDIANA SUPREME COURT

IN RE: THE MATTER OF THE PETITION)	SUPREME COURT CASE NO.
OF THE HANCOCK COUNTY COURTS)	
FOR ADMINISTRATIVE RULE 17)	20S-CB- 183
EMERGENCY RELIEF.)	

HANCOCK COUNTY COURTS
ADMINISTRATIVE RULE 17 PETITION

COMES NOW, the Courts of Hancock County and petition the Indiana Supreme Court for emergency relief pursuant to Indiana Administrative Rule 17. In support of this Petition, the Courts inform the Indiana Supreme Court as follows:

After conferring with the Hancock County Clerk, the Hancock County Bar Association President, and other local officials, the Courts of Hancock County, Indiana have deemed this Petition necessary and appropriate after consideration of the following:

- a) That Governor of State of Indiana has declared a state of emergency due to the 2019 novel coronavirus (COVID-19);
- b) That a Hancock County Jail employee tested positive with COVID-19 virus;
- c) That all Hancock County Schools are closed at this time due to the threat of the COVID-19 virus;
- d) That it is not possible to summon a pool of potential jurors and conduct a jury trial in a manner that does not expose potential jurors, counsel, court staff and litigants to substantial and unacceptable health risks, specifically, the danger of becoming infected with COVID-19;
- e) That the review of recent juror panel indicated more than 25% of potential jurors were age 60 or above, and those individuals could be severely affected if exposed to COVID-19;
- f) That Hancock County has elevated the county emergency level to orange which means conditions are threatening to the safety of the public and only essential travel is recommended.

Thus, the Hancock County Courts believes that an emergency exists. The Hancock County Courts thereby submit the following as the Emergency Plan of Hancock County Courts from March 17, 2020 through April 17, 2020:

- (1) The Court authorizes 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 judgments, support, and other orders; and in all other civil and criminal matters before all Hancock

County Courts. Further, no interest shall be due or charged during this tolled period.

(2) The Court authorizes the Hancock County Courts in criminal cases, in their discretion, to:

- a. continue all pre-trial conferences and non-essential hearings that will not result in a resolution of the case;
- b. hold pre-trial and discovery status hearings by counsel only;
- c. allow attorney-only conferences whenever possible without the requirement of a motion;
- d. allow counsel to appear remotely by CourtCall or conference call by filing a "Notice of Remote Appearance" at least 24 hours prior to the scheduled hearing;
- e. have defendants appear via teleconference from jail for any hearings, except guilty plea hearings, contested sentencing hearings and jury trials;
- f. continue trials for non-incarcerated individuals; and
- g. continue all jury trials until no later than May 4, 2020 to allow adequate notification of the jury pool.

(3) The Court authorizes the Hancock County Courts in civil cases, in their discretion, to:

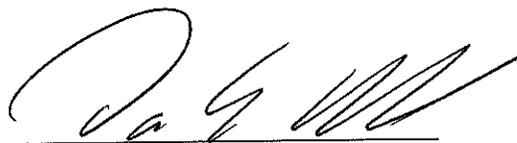
- a. continue all jury trials until no later than May 4, 2020 to allow adequate notification of the jury pool;
- b. continue all bench trials;
- c. continue all non-essential matters;
- d. use CourtCall or conference call to:
 - i. Conduct hearings that involve agreed issues;
 - ii. Allow parties to appear remotely unless a litigant's due process rights would be violated; and
 - iii. Allow attorneys to appear remotely for any civil status conference, pre-trial conference, or non-evidentiary hearings by filing a "Notice of Remote Appearance" at least 24 ours prior to the scheduled hearings;
- e. allow attorney-only conferences whenever possible without the requirement of a motion;
- f. suspend issuing civil body attachments and Title IV-D attachments; and
- g. utilize video conferencing in Juvenile Court for all fact-finding and termination hearings in Child in Need of Services (CHINS) cases where either parent is in the Hancock County Jail.

(4) The Court authorizes the Hancock County Courts, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other

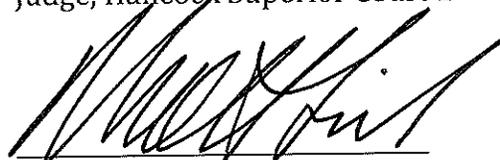
than parties to the litigation and their attorneys) in the Hancock County Courthouse, to the extent necessary to provide adequate social distancing.

- (5) No one will be allowed into the Hancock County Courthouse who is ill or appears visibly ill. Hancock County Courthouse Security has the authority to deny entry into the Courthouse for anyone who appears visibly ill.
- (6) The Hancock County Courts will file a status update no later than April 17, 2020 to inform this Court of whether there is an ongoing need for emergency relief.

Respectfully Submitted, March 18, 2020.



Hon. Dan Marshall
Judge, Hancock Superior Court 2



R. Scott Sirk
Judge, Hancock Circuit Court



Marie Castetter
Judge, Hancock Superior Court 1