

IN RE:)
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 POSEY COUNTY COURTS) CAUSE NO. 65C01-2003-CB-000005
)
 COVID-19 PLAN) SUPREME COURT CAUSE NO. 20S-CB-184
)

POSEY COUNTY CIRCUIT AND SUPERIOR COURTS'
PETITION TO ADOPT PLAN UNDER ADMINISTRATIVE RULE 17

The Circuit and Superior Courts of Posey County (the "Courts"), pursuant to Indiana Administrative Rule 17 and the Indiana Supreme Court's Order dated March 16, 2020, petition the Indiana Supreme Court for relief thereunder, specifically to adopt the Courts' Order attached hereto as Exhibit "A" and in support thereof states as follows:

1. The President of the United States, Donald J. Trump, has declared a national emergency regarding the COVID-19 outbreak.
2. The Governor of Indiana, Eric Holcomb, has declared a statewide health emergency and instituted additional steps to reduce the spread of COVID-19.
3. The Posey County Health Department, via the Health Officer of Posey County, has recommended the closure of schools within Posey County effective March 13, 2020 through Friday, April 3, 2020. The Metropolitan School District of North Posey County and the Metropolitan School District of Mt. Vernon have each adopted such measures.
4. The Posey County Commissioners have today (March 17, 2020), based upon a recommendation by the Posey County Health Officer, declared a State of Emergency in Posey County limiting access to County owned buildings and County officers to limit the spread of COVID-19 in accordance with practices outlined by the Center for Disease Control.
5. The Courts, pursuant to the Indiana Supreme Court's Order dated March 16, 2020, have issued an Order (attached hereto as Exhibit "A") implementing a plan to further the goal of

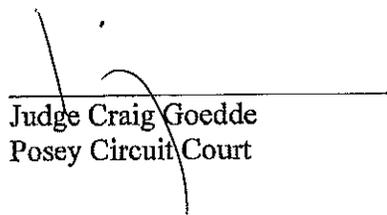
limiting the spread of COVID-19 in accordance with the practices outlined by the United States Center for Disease Control and Governor Eric Holcomb.

6. The Courts believe that limiting personal court appearances, as much as possible, is in the best interests of the citizens of Posey County.

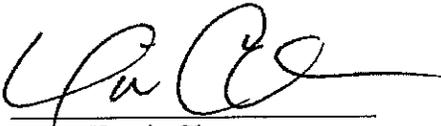
7. The Courts believe that precautionary measures should be immediately implemented and continue through at least April 20, 2020 to mitigate the exposure of individuals to COVID-19 and other potentially fatal viruses.

WHEREFORE, The Posey Circuit Court and the Posey Superior Court hereby request that the Indiana Supreme Court declare that an emergency exists in Posey County pursuant to Indiana Administrative Rule 17, to make and/or adopt appropriate emergency orders (as outlined under Exhibit "A") for Posey County directing and allowing the Courts and Clerk of Posey County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency, and for all other relief just and proper in the premises.

Respectfully submitted by the Posey Circuit and Superior Courts in Mt. Vernon, Indiana, this 17th day of March, 2020.



Judge Craig Goedde
Posey Circuit Court



Judge Travis Clowers
Posey Superior Court

F I L E D
MAR 17 2020

Posey Circuit and Superior Courts
Mt. Vernon, Indiana

Kay Kij
CLERK POSEY CIRCUIT COURT

IN RE:)
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POSEY COUNTY COURTS)
)
COVID-19 PLAN)

CAUSE NO. 65C01-2003-CB-005005

F I L E D
MAR 17 2020

ORDER

Kay Kij
CLERK POSEY SUPERIOR COURT

WHEREAS, the President of the United States, Donald Trump, has declared a national emergency over the COVID-19 outbreak; and

WHEREAS, Indiana Governor, Eric Holcomb, has initiated actions and steps to reduce the spread of COVID-19 in Indiana; and

WHEREAS, the Indiana Supreme Court has ordered each trial Court statewide to implement all relevant and necessary portions of its continuity of operations plan and to prepare emergency local plans to protect the health of Court personnel, Court users, and the public in conjunction with county emergency and public health authorities; and

WHEREAS, the Health Officer of Posey County has also taken steps as deemed necessary to prevent and stop the spread of COVID-19; and

WHEREAS, Posey Circuit and Superior Courts (the "Courts") find that mitigation of the spread of contagions outweighs the benefit of having in-person appearances; and

WHEREAS, continuing certain court dates and limiting in-person court appearances may help mitigate the exposure of individuals appearing in court, the Courts now **FIND** and **ORDER** that the following conditions shall be effective immediately and extend through **April 19, 2020**:

- (1) Any attorney wishing to appear remotely for any status conference, pre-trial conference or non-evidentiary hearing is hereby given permission to do so.
- (2) During this time period and for these types of court dates, no motion to appear telephonically is necessary. However, an attorney choosing to appear remotely as a result of this Order shall notify opposing counsel prior to the appearance date.
- (3) Remote appearances shall be coordinated through the individual court in which the hearing is to be held, by emailing or phoning the court reporters in that Court.

Ex. "A"

- (4) With respect to evidentiary hearings and trials, the Courts now hereby find that (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; or (b) exposure of such individuals to anyone who has or may have COVID-19, shall be considered "good cause" for any motion made to continue a court setting. To the extent possible without violating statutory or constitutional rights, the Courts will endeavor to accommodate requests made pursuant to this Order.
- (5) Only persons who are parties, attorneys, witnesses, or necessary participants may be allowed to appear physically in the Courts during this time period. Appearances of parties, witnesses, and other participants (excluding counsel) will only be allowed with prior Court approval. The Courts will be closed to the general public and most parties during this time period.
- (6) Circuit and Superior Civil and CHINS Cases - Parties in civil and CHINS cases should contact their attorney to determine if their case is still on the Court's calendar or if it will be reset. Parties who are not represented by counsel should contact court staff at the following telephone numbers to inquire as to the status of their case and if a new court date has been set:

Circuit Court Matters with Judge Goedde – 812-838-1302 Option 4.
Superior Court Matters with Judge Clowers - 812-838-1325 Option 0.

- (7) Circuit Felony Cases in custody-Defendants in criminal cases who are in custody and scheduled to appear for non-evidentiary hearings will only appear by video and will not be transported during this time period unless the hearing is a plea and sentencing hearing in a felony matter. Arrangements with the Prosecutor, defense counsel, and the Sheriff's office will be made to coordinate any such plea and sentencing hearing. The Courts may determine that the appearance of in-custody defendants in courtrooms for evidentiary matters is detrimental to the health and well-being of parties, attorneys, witnesses, and court staff. As a result, the Courts may continue these matters or take other action which the Court deems necessary.
- (8) Circuit Felony Cases NOT in custody - Defendants in criminal cases who are out of custody should not appear in person in the courthouse. Such cases will be handled by the attorneys. New court dates will be scheduled with the attorneys. All defendants are to notify their attorney by telephone of any change in address and are to make sure that their attorney has their current contact information. Defendants who are not represented by an attorney and who post bond or are released on their own recognizance prior to their next court date will be given a written notice to appear for a date after April 20, 2020. This notice to appear will include any conditions of bond, including no contact orders, pretrial probation services, etc. (if a defendant was verbally advised of a bond condition or conditions by a judicial officer, such

condition(s) of bond remain in effect even if not listed on the notice to appear.) Defendants who do not have counsel should contact court staff at the following telephone numbers to receive information about the status of their case and any new court date:

Circuit Court Felony cases with Judge Goedde – 812-838-1302 Option 1.

- (9) Circuit Misdemeanor Cases (in custody) – Defendants in misdemeanor cases who are in custody and scheduled to appear for non-evidentiary hearings will only appear by video and will not be transported during this time period. The Court may determine that the appearance of in-custody defendants in courtrooms for evidentiary matters is detrimental to the health and well-being of parties, attorneys, witnesses, and Court staff. As a result, the Court may continue these matters or take other action which the Court deems necessary.
- (10) Circuit Misdemeanor (NOT in custody) and Traffic Cases – Defendants in misdemeanor cases who are not in custody and defendants in traffic infraction cases should not appear in person in the courthouse. Such cases will be handled by the attorneys if the defendant is represented by an attorney. New court dates will be rescheduled with the attorneys. All defendants are to notify their attorney by telephone of any change in address and are to make sure that their attorney has their current contact information. If a defendant is not represented by an attorney and posts bond or is released on their own recognizance in a misdemeanor case, they will be given a written notice to appear for a date after April 20, 2020. This notice to appear will include any conditions of bond, including no contact orders, pretrial probation conditions, etc. (if a defendant was verbally advised of a bond condition or conditions by a judicial officer, such condition(s) of bond remain in effect even if not listed on the notice to appear,) Defendants who do not have counsel and who are not in custody in misdemeanor cases and defendants in traffic infraction cases without counsel should contact court staff at the following telephone number to receive information about the status of their case and any new court date:

Circuit Court Staff – 812-838-1302 Option 7.

- (11) Circuit Court Juvenile Matters - Juvenile offenders who are in custody in juvenile cases and who are scheduled to appear for non-evidentiary hearings will only appear by video and will not be transported during this time period. The juvenile court may determine that the appearance of in-custody offenders in courtrooms for evidentiary matters is detrimental to the health and well-being of parties, attorneys, witnesses, and court staff. As a result, the Court may continue these matters or take other action which the Court deems necessary. Juvenile offenders who are not in custody and other parties to juvenile matters should not appear in person in the courthouse. Such cases will be handled by the attorneys. New court dates will be scheduled with the

attorneys. All offenders and other parties to juvenile matters are to notify their attorney by telephone of any change in address and are to make sure that their attorney has their current contact information. If an offender is not represented by an attorney and is not in custody, they will be given a notice to appear for a date after April, 20, 2020. This notice to appear will include any conditions of release, including no contact orders, pretrial probation conditions, etc. (if a juvenile offender was verbally advised of a pretrial and/or release condition or conditions by a judicial officer, such condition(s) of release remains in effect even if not listed on the notice to appear.) Offenders and other parties to juvenile matters who do not have counsel should contact court staff at the following telephone number to receive information about the status of their case and any new court date:

Circuit Juvenile Court – Judge Goedde – 812-838-1302 Option 3.

Any offender who is serving a sentence on juvenile probation will appear for appointments by telephone unless otherwise instructed by the Probation Officer. This does not change the current obligations of drug and alcohol testing for juvenile offenders.

- (12) Circuit and Superior Court Family Court Matters - All family court matters, both contested and uncontested, are suspended until April 20, 2020. The Courts will accept agreed entries in family court matters and process them. Pro se litigants are to mail agreed entries to the Clerk at the following address:

Circuit Court Clerk, 300 Main Street, Room 115, Mt. Vernon, IN 47620
Superior Court Clerk, 126 E. Third Street, Room 133, Mt. Vernon, IN 47620

Parties are to contact the Courts at the telephone numbers below to reschedule hearings which have been vacated as the result of this Order or for emergency matters:

Family Court Matters with Judge Goedde - 812-838-1302 Option 2.
Family Court Matters with Judge Clowers – 812-838-1325 Option 0.

- (13) Superior Court Small Claims Matters - Small Claims Court matters are all suspended until April 20, 2020. The Court will accept agreed entries and process them. Pro se litigants are to mail agreed entries to the Clerk at the following address:

Superior Court Clerk, 126 E. Third Street, Room 133, Mt. Vernon, IN 47620

Parties are to contact the Court at the telephone number listed below to reschedule hearings which have been vacated and to determine the new court date:

Superior Court Clerk 812-838-1325 Option 0.

- (14) Jury Trials - The Courts will not be conducting jury trials during this time period due to concerns for the health of attorneys, parties, witnesses, jurors, and court staff. Attorneys and any pro se parties are to contact the involved court prior to the trial date to reschedule the jury trial. Pro se parties should contact court staff at the following telephone numbers to receive information about their next court date:

Circuit Court – 812-838-1302 Option 1
Superior Court -812-838-1325 Option 0

- (15) The Clerk's Office will be open to process the filing of protective orders, pro se divorces, to issue marriage licenses, and to collect payments for bonds, child support, restitution, fines, fees, and similar financial obligations. The Clerk may determine that it is necessary for the Clerk's Office to be open for other necessary functions. The Clerk's Office telephone numbers are:

Circuit Court – 812-838-1306
Superior Court -812-838-8368

- (16) Any defendant, who is serving a sentence on probation (Felony or Misdemeanor) shall appear for appointments by telephone unless otherwise directed by the defendant's Probation Officer. This does not change the current obligations of drug and alcohol testing for defendants.
- (17) Any person who is ordered to participate in the ACCEPT Program shall appear in person unless otherwise directed by the participant's Instructor and/or Probation Officer. This does not change the current obligations of drug and alcohol testing for participants.
- (18) The Posey County Sheriff's Office personnel may deny access to the Circuit Courthouse or the Coliseum (collectively the "buildings") to individuals who may be infected with COVID-19 or otherwise appear to pose a public health risk. All persons seeking to enter the buildings may be required to answer the following questions:
- a. What is your purpose for entering the building today?
 - b. Are you experiencing symptoms of fever, cough, or shortness of breath?
 - c. Have you been in close contact with someone confirmed or who is being evaluated for COVID-19?
 - d. Have you recently visited an area that is subject to quarantine because of COVID-19 infection?

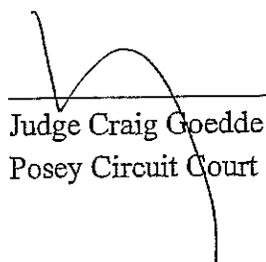
Persons who do not have an approved purpose for being in the buildings as described in this Order may be denied access to the buildings unless they are visiting an agency or office unrelated to the Courts. Persons who answer "yes" to Questions "b", "c", and "d" listed above will be denied access to the buildings. Persons who exhibit symptoms of illness potentially indicating COVID-19 infection will be denied access to the buildings. The Posey County Sheriff's Office personnel have the authority to deny access to the buildings to persons who otherwise reasonably appear to present a health risk. Those denied access will be provided information regarding the appropriate individual or entity to contact.

- (19) Any Court or Judge may take other necessary action consistent with the purposes of this Order to protect the health and well-being of persons who have contact with the Courts.

Pursuant to Indiana Administrative Rule 17, the Courts intend to petition the Indiana Supreme Court for emergency relief and submit this Order as the Courts' plan for all civil and criminal matters during the above-described emergency. The Courts will request an order that pursuant to Administrative Rule 17 shall include, without limitation, those rules and procedures affecting time limits currently imposed for speedy trials in criminal and juvenile proceedings, public health, mental health, appellate, and all other civil and criminal matters.

This Order shall expire on April 19, 2020, unless terminated or extended by further Order of the Courts.

So **ORDERED** this 17th day of March, 2020.



Judge Craig Goedde
Posey Circuit Court



Judge Travis Clowers
Posey Superior Court