

20S-CB-206

**IN RE THE PETITION FOR
EMERGENCY RELIEF PURSUANT TO AR 17
BY THE NEW CASTLE CITY COURT**

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

Come now the New Castle City Court (“Court”) and petitions the Supreme Court for relief under Indiana Administrative Rule 17. In support of this Petition, the Court informs the Indiana Supreme Court as follows:

The New Castle City Court has determined:

That as a result of the National and Indiana states of emergency being issued, as well as the closures of Henry County and New Castle schools, restaurants, and many places of employment, it is not safe or judicially efficient for the City Court to conduct its business as usual. Although the New Castle City Court plays a vital role in the administration of justice in New Castle, and throughout Henry County by virtue of interlocal agreements, the Court does not handle cases involving complex legal matters, criminal matters, or matters involving emergency or exigent circumstances. Most cases are conducted by pro se litigants. Most cases involve issues arising out of animal control related ordinance violations or building code ordinance violations. Postponing hearings or trials on these matters will not substantially prejudice the litigants’ property or due process rights. The City of New Castle, at plaintiff, will not be substantially prejudiced either, as emergency issues regarding animals or building code violations may still be addressed administratively.

The Judge of New Castle City Court requests that the Indiana Supreme Court declare that an emergency exists in New Castle, Henry County, under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders directing and allowing the Court and clerk of the Court to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency.

EMERGENCY PLAN

The Court submits the following as the Emergency Plan of New Castle City Court and requests authorization to utilize any combination of these measures as the Court deem appropriate:

1. Tolling for a limited time all laws, rules, and procedures setting time limits for all judgments, and other orders; and in all other civil matters before the Court.
2. Continuing and/or rescheduling non-essential hearings (excluding emergency matters).
3. Using telephonic or video technology in lieu of in-person appearances, unless a litigant’s due process rights would be violated.
4. Issuing summonses in lieu of bench warrants, writs of attachment, notices of failure to appear, or notices of failure to pay.

5. Considering (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.
6. Allowing any attorney wishing to appear remotely (e.g., through teleconference systems, etc.) 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.
7. Subject to applicable Constitutional limitations, limiting spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing.
8. For court clerk, making drop boxes available, for conventionally filed documents and receipt of payments. The Court will maintain sufficient operations to process emergency matters, mail received, and receipt of payments for fines and judgments.
9. Allowing individuals with legitimate court business to stay home and request a continuance by phone to the court clerk if they are ill, caring for someone who is ill, or in a high-risk category.
10. Posting signage at all public entry points to judicial facilities advising individuals not to enter the building if they have:
 - 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. A fever, cough or shortness of breath;and directing bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols.

The petitioning Court proposes this plan remain in effect until May 4, 2020 or as may be extended from time to time, upon Motion of the petitioning Court.

Respectfully submitted:

/s/ Joe Lansinger

Joe Lansinger

Judge, New Castle City Court