

20S-CB-209

**IN THE
INDIANA SUPREME COURT**

**IN THE MATTER OF)
THE PETITION OF THE)
PIKE CIRCUIT COURT)
FOR ADMINISTRATIVE RULE 17)
EMERGENCY ORDER)**

Case No. 63C01-2002-CB-000040

PETITION FOR EMERGENCY ADMINISTRATIVE ORDERS

Come now the Pike Circuit Court and petitions the Supreme Court for relief under Indiana Administrative Rule 17. In support of this Petition; the Court informs the Supreme Court as follows:

1. The Pike Circuit Court, Pike County, Indiana has determined:
 - a. That the Governor of the State of Indiana has declared an emergency due to the COVID-19 virus;
 - b. That the World Health Organization has declared the Coronavirus a Pandemic;

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

EMERGENCY PLAN

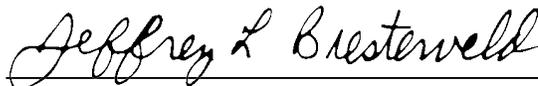
The Courts submit the following as the Emergency Plan of Pike County:

1. 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 the Pike Circuit Court. Further, no interest shall be due or charged during this tolled period.
2. The Pike Circuit Court be authorized in **criminal** cases 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 conference call;

- e. have defendants appear via teleconference from jail for any hearings, except contested sentencing hearings, plea agreements and jury trials;
 - f. continue trials for non-incarcerated individuals; and
 - g. continue all jury trials until **no later than May 19, 2020** to allow adequate notification of the jury pool.
3. The Pike Circuit Court be authorized in **civil** cases, in their discretion, to:
- a. continue all jury trials until **no later than May 19, 2020** to allow adequate notification of the jury pool;
 - b. continue all bench trials;
 - c. continue all non-essential matters;
 - d. use 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 hearing;
 - 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 teleconferencing in Juvenile Court for all fact-finding and termination hearings in Child in Need of Services (CHINS) cases where either parent is in the Pike County Security Center.
4. The Pike Circuit Court be authorized to, in its discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in the Pike Circuit Court, **to the extent necessary to provide adequate social distancing**.

Submitted this 20th day of March, 2020.

For the Courts of Record of Pike County



Jeffrey L. Biesterveld , Judge Pike Circuit Court