

20S-CB-138

**MONROE CIRCUIT COURT
MONROE COUNTY, INDIANA**

PETITION FOR RELIEF PURSUANT INDIANA ADMINISTRATIVE RULE 17

Come now the Courts of Monroe County and petition the Supreme Court for relief under Indiana Administrative Rule 17. In support of this Petition, the Courts inform the Supreme Court as follows:

- 1. The Circuit Courts of Monroe County have convened en banc and have determined:**
 - a. That the Governor of the State of Indiana has declared an emergency due to COVID-19.**
 - b. The Governor has approved a twenty (20) day waiver for Indiana Schools in an effort to prevent the transmission of COVID-19.**
 - c. That the World Health Organization has declared COVID-19 a pandemic.**
 - d. That the Monroe County Health Department and the Monroe County Emergency Management Office has declared a local health emergency in Monroe County.**

The Judges of Monroe County request that the Supreme Court declare that an emergency exists in Monroe County, under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Monroe County, directing and allowing the courts and clerk of Monroe 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 Monroe County and requests authorization to utilize any combination of these measures as the Courts deem appropriate beginning March 17, 2020 up to and including April 10, 2020.

- 1. Suspend Criminal Rule 4 due to public health risk.**
- 2. The Court will hold criminal pre-trial and discovery status hearings by counsel only. Counsel may appear remotely via Courtcall or conference call. Counsel may submit a simple “Notice of Remote Appearance” at least 24**

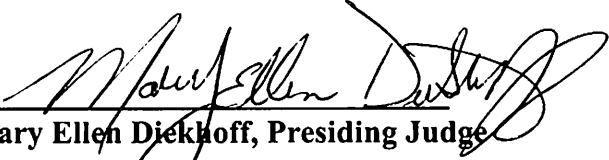
hours prior to a scheduled hearing to inform the Court that they wish to appear remotely.

- 3. Defendants will appear via teleconference from the jail for any other hearing excepting contested sentencing hearings or jury trials.**
- 4. The Court will continue non-essential criminal hearings until such time as the Court deems the health and safety risks to Parties and Counsel to be sufficiently addressed.**
- 5. The Court will continue all jury trials, to be reviewed again on April 10, 2020. If it is determined by the Court that the COVID-19 crisis has subsided, jury trials may begin no earlier than May 04, 2020, thus allowing for adequate notification of the jury pool.**
- 6. The Court will allow Parties to appear remotely, via Court call or Conference Call in all civil matters.**
- 7. The Court will continue non-essential civil hearings until such time as the Court deems the health and safety risks to Parties and Counsel to be sufficiently addressed. The Court may exercise flexibility on requests for continuances. A Party's bona fide wish to avoid of unnecessary social contact may be considered good cause for continuance by the Court under T.R. 53.5.**
- 8. The Court may conduct hearings that involve agreed issues by Court call or conference call.**
- 9. Allowance for attorney-only conferences whenever possible without the requirement of a motion.**
- 10. Allowance for setting/resetting non-adjudicatory and non-detention juvenile CHINS and delinquency proceedings outside the statutory timeframes as deemed necessary by the Court.**
- 11. Allowance for setting/resetting juvenile termination hearings outside the statutory time frames as deemed necessary by the Court.**
- 12. Request City and County Law Enforcement agencies to issue summonses for non-violent misdemeanor and low level (level 5 and 6) felony cases. These will be set for initial hearing in May. No Officer will be obligated to follow this request and will be expected to use their best judgment.**

13. Allow attorneys to file a simple “Notice of Remote Appearance” to inform the Court that they wish to appear remotely for any civil status conference, pre-trial conference or non-evidentiary hearing and permit them to do so.
14. Limit admittance to the Monroe Circuit Courts to Parties, Counsel, and statutorily contemplated attendees (i.e. domestic violence advocates, foster parents, victims, etc.). Allow for those who appear for hearings as spectators to be admitted to Monroe Circuit Courts only for good cause shown.
15. Allowance to Continue all civil jury or bench trials until such time as the Court deems the health and safety risks to Parties and Counsel to be sufficiently addressed.
16. Conduct all mental health hearings normally held at Bloomington Hospital by Conference Call.
17. Suspend issuing all civil body attachments and Title IV-D attachments.
18. Utilize video conferencing in Juvenile Court for all fact-finding and terminations hearings in CHINS cases where either parent in in the Monroe County Jail.

The Monroe Circuit Courts propose this plan to remain in effect until April 17, 2020.

Respectfully submitted:


Mary Ellen Diekhoff, Presiding Judge
Monroe Circuit Court