

MAR 16 2020


 CLERK

Vanderburgh Circuit and Superior Courts
 Evansville, Indiana

IN RE:

VANDERBURGH COUNTY

COURTS' COVID-19 PLAN

CAUSE NO.

32D01-2003-CB-09

ORDER

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

WHEREAS 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 Vanderburgh Circuit and Superior 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 bailiff(s) in those courts.
- (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 Vanderburgh Circuit and Superior Courts during this time period. Appearances of parties, witnesses, and other participants (excluding counsel) will only be allowed with prior court approval. The Vanderburgh Circuit and Superior Court courtrooms will be closed to the general public and most parties during this time period.
- (6) Circuit and Superior Civil Cases – Parties in civil cases should contact their attorney to determine if their case is still on the Court's calendar or if it is being

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 Civil Matters – 812-435-5192

Superior Court Civil Matters with Judge Tornatta – 812-435-5825

Superior Court Civil Matters with Judge D'Amour – 812-435-5112

Superior Court Civil Matters with Judge Lloyd – 812-435-5966

Superior Court Civil Matters with Judge Shively – 812-435-5402

- (7) Circuit and Superior 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. 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 Courts deem necessary.
- (8) Circuit and Superior 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 19, 2020. This notice to appear will include any conditions of bond, including no contact orders, Drug Abuse Probation Services, Alcohol Abuse 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:

Vanderburgh Circuit Court Felony cases – 812-435-5192

Vanderburgh Superior Court Felony cases with Judge Pigman - 812-435-5410

Vanderburgh Superior Court Felony cases with Judge Trockman – 812-435-5408

- (9) Vanderburgh Superior Court Misdemeanor Cases (in custody) - Defendants in misdemeanor cases in Superior Court 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) Vanderburgh Superior Court 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 19, 2020. This notice to appear will include any conditions of bond, including no contact orders, DAPS, AAPS, 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:

Vanderburgh Superior Court Misdemeanor Clerk – 812-435-5772

- (11) Vanderburgh Superior Court Probate/Juvenile Matters – All Probate and Juvenile Court matters, with the exception of Detention Hearings, are suspended until April 20, 2020. The Court will reset all matters, contested and uncontested, as soon as the Court's calendar allows. In the event of an emergency, a party or counsel should contact the Court to make special arrangements to be heard.

Vanderburgh Superior Probate and Juvenile Court with Judge Niemeier – 812-435-5126

- (12) Vanderburgh Superior Court Family Court Matters – All family court matters, both contested and uncontested, are suspended until April 20, 2020. The Court will accept pleadings and entries in family court matters and process them. Pro se litigants are to mail agreed entries to the Clerk at the following address: Vanderburgh County Clerk's Office, P.O. Box 3356, Evansville, Indiana 47732. Parties are to contact the Court 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 Tornatta - 812-435-5825

Family Court Matters with Judge D'Amour - 812-435-5112

Family Court Matters with Judge Lloyd - 812-435-5966

Family Court Matters with Judge Shively - 812-435-5402

- (13) Vanderburgh Superior Court Small Claims Court 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: Vanderburgh County Clerk's Office, P.O. Box 3356, Evansville, Indiana 47732. 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:

Small Claims Court – 812-435-5142

- (14) 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:

Vanderburgh Circuit Court – 812-435-5192

Vanderburgh Superior Court – 812-435-5410

- (15) The Clerk's Office will be open to process the filing of protective orders, 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 number is 812-435-5160. Hearings on permanent protection orders may be scheduled after April 19, 2020.
- (16) Any defendant, who is serving a sentence on probation (including the Alcohol Abuse Probation Services, Drug Abuse Probation Services, and Misdemeanor Probation) or participating in Mental Health Court, will appear for appointments by telephone. This does not change the current obligations of drug and alcohol testing for defendants.
- (17) The Vanderburgh County Sheriff's Department personnel shall deny access to the Courts Building and Administration Building of the Civic Center Complex to individuals who may be infected with COVID-19 or otherwise appear to pose a public health risk. All persons seeking to enter the Courts Building and Administration Building of the Civic Center Complex will 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 Civic Center Complex as described in this order will be denied access to the building(s) unless they are visiting an agency or office unrelated to the Vanderburgh Circuit and Superior Courts. Persons who answer "yes" to Questions "b," "c," and "d" listed above will be denied access to the Civic Center Complex. Persons who exhibit symptoms of illness potentially indicating COVID-19 infection will be denied access to the Civic Center Complex. The Vanderburgh County Sheriff's Department personnel have the authority to deny access to the Civic Center Complex 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.

- (18) 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.
- (19) For additional information concerning Superior Court, access <https://www.evansvillegov.org/county/departments/index.php?structureid=269>

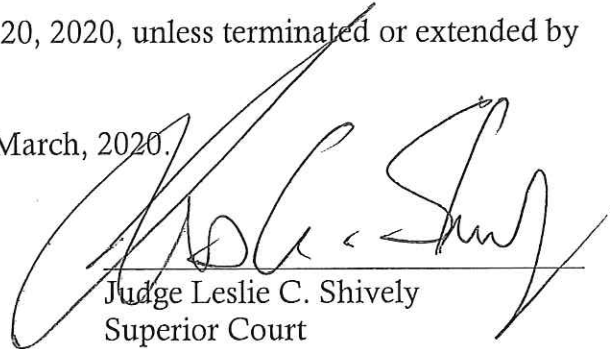
Pursuant to Indiana Administrative Rule 17, the Vanderburgh Circuit and Superior Courts petition the Indiana Supreme Court for emergency relief and submit this order as the Trial

Courts' plan for all civil and criminal matters during the above-described emergency. The Vanderburgh County Courts are requesting an order that pursuant to Administrative Rule 17 shall include, without limitation, the tolling of 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 foregoing order shall expire on April 20, 2020, unless terminated or extended by further order of the Courts.

SO ORDERED this 16 day of March, 2020.


Judge David D. Kiely
Circuit Court


Judge Leslie C. Shively
Superior Court