

IN THE INDIANA SUPREME COURT

IN THE MATTER OF
THE PETITION OF THE
LAWRENCE COUNTY COURTS
FOR ADMINISTRATIVE RULE 17
EMERGENCY RELIEF

CASE No: 20S-CB-_____
TRIAL COURT CAUSE No. 47C01-2003-CB-000013

Emergency Petition for Administrative Orders

Come now the Courts of Lawrence County and petition the Supreme Court for relief under Ind. Administrative Rule 17. In Support of this petition, the courts inform the Supreme Court as follows:

1. The courts of Lawrence County have convened in banc and have determined:

A. That a staff attorney with the Lawrence County office of the Indiana Department of Child Services (hereinafter DCS) had personal contact with a Family Case Manager in Monroe County, Indiana on approximately Tuesday, March 10, 2020.

B. It is believed that the Family Case Manager in Monroe County is at this time presumptively positive for the COVID-19 virus.

C. Lawrence Circuit Judge Nathan Nikirk contacted the DCS attorney by telephone on March 12, 2020. Based on that phone conversation it does not appear that the DCS attorney appeared in any Lawrence County Courts the week of March 9, 2020 – March 13, 2020. In addition, the DCS attorney at issue has elected to self-quarantine.

D. The DCS attorney was scheduled to appear for a Termination of Parental Rights trial on March 13, 2020 at 9:00 a.m. The Court cancelled the trial; however, the statutory deadline is March 29, 2020. In addition, several other Termination of Parental Rights, CHINS, and criminal matters are currently set for trial in the next 30 days. Strict compliance with the statutory deadlines will not be possible considering the self-quarantine of the DCS attorney, possible exposure concerns to court personnel, members of the local bar, litigants, and members of the public.

E. Judge Nikirk met with Judge John Plummer (Lawrence Superior Court I) and Judge William Sleva (Lawrence Superior Court II) at 8:00 a.m. on March 13, 2020 and all Judges agree that this petition is necessary.

F. Judge Nikirk has met with local emergency management officials and the local health department officer and all concur that the local DCS attorney should continue to self-quarantine for 14 days per the CDC recommendations.

G. Court and Clerk personnel are all present and at this time no judge or court employee has been exposed the COVID-19 virus.

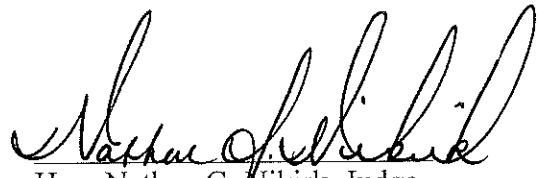
H. North Lawrence Community School superintendent Dr. Ty Mungle closed the NLCS Corporation effective March 13, 2020 until April 3, 2020.

I. The Courts request that the order remain in effect until April 30, 2020. If at that time additional orders are needed the Courts will file a second petition.

J. That the local courts have appointed Judge Nathan Nikirk as the presiding Judge for this emergency.

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

Respectfully submitted this 13th day of March, 2020.



Hon. Nathan G. Nikirk, Judge
Lawrence Circuit Court

Lawrence County Courts Emergency Plan

1. Minimize contact between all individuals appearing for any court hearing.
2. Conduct non-evidentiary hearings and pretrial conferences by telephone if possible.
3. Utilize CourtCall for remote appearances when possible.
4. Maximize use of “Person to Person” tele-contact through CourtCall between the courts and individuals incarcerated or placed at any of the following:

Lawrence County Jail
Indiana Department of Correction
State Hospital
Mental health facilities
Juvenile detention facilities or any other facility authorized to house juveniles

5. Make all reasonable attempts to adhere to all statutory deadlines unless doing so would endanger court personnel, members of the local bar, litigants or general public.
6. To the extent possible, all criminal court plea agreement negotiations should take place and be completed prior to court. Plea agreement negotiations should not take place in open court.
7. Same day plea agreements will not be entertained by the criminal courts except in urgent situations (i.e. defendant is to be released that same day, etc.).
8. All transport requests from the Lawrence County Jail made by attorneys must be made by 3:00 p.m. the day prior to court or the inmate will not be transported.
9. The Courts will make all reasonable efforts to reschedule time sensitive hearings as quickly as possible.
10. Criminal and civil jury trials will be continued on a case by case basis depending upon the status of the COVID-19 virus.
11. The Courts will consult regularly with the Lawrence County Health Department and the Lawrence County Commissioners regarding additional preventative measures.