

For Immediate Release – March 18, 2020

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Allen Circuit and Superior Courts Curtailing Operations through April 13

Essential proceedings to continue under provisions approved by Supreme Court

Fort Wayne, Ind. – Allen Circuit and Superior courts will curtail operations through at least April 13 under terms of an emergency petition approved Tuesday by the Indiana Supreme Court, in response to the COVID-19 pandemic. The reduction in operations is effective immediately.

Allen County is one of a number of counties across Indiana granted emergency flexibility to reschedule proceedings and reorganize operations in order to reduce exposure risks to the public and court employees. No Allen County court functions will cease entirely for the time being.

“The most solemn duty we have in the Courts is to serve the public, whether by delivering justice or by taking the steps we are announcing today,” said Judge Andrea R. Trevino, Allen Superior Court Chief Judge and Administrative Judge of the Family Relations Division. “The most prudent thing we can do right now to protect and serve is to dramatically reduce the number of people required to come to the Courthouse.”

The Circuit Court and all three divisions of the Superior Court have implemented steps to postpone jury trials, cancel or continue many non-essential hearings and move other hearings to remote appearances by telephone and video. Participants will also be encouraged to utilize electronic filing whenever possible.

By division, Superior Court changes that are being implemented immediately are as follows:

CRIMINAL DIVISION:

- Due to the limit of 50 persons in a room, announced by Governor Eric Holcomb, jury trials are cancelled through April 13. Individuals who have been summoned for jury duty need not appear. Bench trials are still an option, if a defendant requests it. Sentencings and guilty pleas will take place as scheduled.
- All non-essential hearings will be continued until April 13.
- Initial hearings for in-custody defendants will continue to occur by video. In addition, omnibus, trial setting and bond hearings will also occur by video.

- During criminal court proceedings, with the exception of sentencings, courtrooms will be limited to litigants, attorneys, staff and media only.
- Fort Wayne City Court hearings, held in Superior Court's Misdemeanor and Traffic Division, will not be held this week.

CIVIL DIVISION:

- No jury trials are scheduled before mid-May. The Judges of the Civil Division will be entering appropriate orders concerning the use of juries in individual cases for the trials that are presently set past mid-May. No jury trials will be held as long as the COVID-19 crisis exists.
- Participants and attorneys involved in Small Claims and collections cases are being informed that they may arrange for remote appearances by telephone. All mortgage foreclosure hearings have already been moved to remote appearance by telephone. Questions regarding Small Claims cases can be directed to smallclaims@allensuperiorcourt.us.
- Participants and attorneys involved in civil cases scheduled in the courthouse are also being informed that they may arrange for remote appearances by telephone. The Court is issuing specific orders for court appearances and procedures in each individual case.
- All eviction proceedings are temporarily stayed. The scheduled eviction hearings will be reset. The situation will be reviewed on a weekly basis to determine when it is appropriate to lift the stay and reschedule the eviction hearings. Tenants who have pending eviction cases must keep their landlord and the Court updated with their current address, phone number, and e-mail address. Tenants should continue to pay rent to the landlord while they are living in the residence during this stay of proceedings. The acceptance of payments by a landlord will not be treated as waiving the landlord's right to request an eviction. If a tenant voluntarily moves out and vacates the residence, then the tenant must notify the landlord and the Court of the move, and must return the keys for the residence to the landlord.
- All civil mediation may be conducted by telephone or video conference, as directed by the assigned mediator.
- Probate and guardianship hearings will be moved to remote appearance whenever possible through arrangements with counsel and the Court. As high-risk populations are often involved in these type hearings, reducing the number of participants required to come to the Courthouse is important. Any in-person court appearances will adhere to strict social distancing standards.
- The Courthouse Annex is open to accept new petitions seeking Orders for Protection. The Petitions can also be e-filed. Trials on Protective Order cases are being reviewed and rescheduled to reduce the number of individuals in the Courthouse Annex at the same time. Cases involving individuals who were living in the same residence and cases directly involving parental contact with their children will be given a priority.
- Social distancing measures will be enacted and enforced for proceedings conducted in all civil buildings.

CRIMINAL DIVISION SERVICES:

- In-house classes and support group meetings have been suspended for 2 to 3 weeks.
- Social distancing procedures for group client intake appointments have been implemented.
- Case management appointments for lower-risk clients who are in full compliance with their conditions of supervision will be conducted remotely by telephone until further notice.

FAMILY DIVISION:

- Non-essential hearings will be continued until further notice. Non-essential hearings include: Periodic reviews, permanency hearings, requests for travel, CHINS fact-findings, termination of parental rights fact-findings and all others not directly related to the safety and protection of children.
- Essential hearings will proceed as the Court schedule permits and in accordance with statutory deadlines. Such proceedings include hearings concerning the removal of children from parents, guardians or custodians, requests for placement of children in a more restrictive environment, protection orders, preliminary inquiries, hearings regarding medical procedures, Family Recovery Court hearings and all other hearings required by the Court.

ALLEN COUNTY JUVENILE CENTER:

- Family/IV-D Court – Non-essential hearings will be continued for a minimum of 30 days. Any proceedings that can be conducted remotely by telephone, such as case management conferences and pre-trial conferences will be held as scheduled. Pleadings alleging emergency circumstances will be reviewed and scheduled accordingly. Warrant cases involving adults in custody at the Allen County Jail will be conducted via video as scheduled. Protection order cases will be schedule as normal, with hearings held within 30 days.
- Probation/Juvenile Proceedings: Many non-essential proceedings will be delayed for at least 30 days. Essential hearings will proceed as scheduled. Social distancing measures will be enacted and enforced for court check-ins and in waiting areas for individuals involved in essential hearings.
- Juvenile Detention Center: Family visitations and volunteers will not be permitted in the detention center until further notice. Attorneys will be permitted to visit detained juveniles, but must follow established sanitization and social distancing guidelines.

Judge Frances C. Gull, Administrative Judge of the Superior Court Criminal Division, and Judge Craig J. Bobay, Administrative Judge of the Superior Court Civil Division, added:

“Our website and the Orders we will issue in specific cases will be the best, most up to date information regarding procedure as we move forward in these unprecedented times. The public should be assured that our actions are taken with a grave sense of responsibility to the rule of law, and in keeping with the best interests of the health of our citizenry.”

The emergency order allowing Allen County to modify court operations requires a status update to the Indiana Supreme Court on April 10, 2020. At that time, the local courts will determine if a continuation of emergency operations is justified.

A copy of the Indiana Supreme Court’s emergency order is attached.

For further details on Circuit Court operational changes, represented litigants should contact their attorneys. Pro-se litigants should contact the Court.

For continuing updates on the status of court operations, visit www.allensuperiorcourt.us/covid19

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