49TH CIRCUIT LOCAL RULES
ALLEN/SIMPSON CIRCUIT, FAMILY AND DISTRICT COURTS

Adopted in accordance with Supreme Court Orders 2020-43 and 2020-44 and effective June 1, 2020.

1. Employee Safety Precautions.

   A. All KCOJ employees shall be required to conduct a self-monitoring health checklist prior to reporting to work. Any official or employee who is exhibiting symptoms of COVID-19 as identified by the CDC[1]; has been asked to self-quarantine by any health care provider; or has been diagnosed with or has had contact with anyone who has been diagnosed with COVID-19 in the past 14 days must stay home and self-report this information.

   B. All KCOJ officials and employees are required to wear facial coverings while interacting with co-workers at less than 6 feet apart or in common areas of the buildings. Deputy clerks assigned to the Clerk's counter and bench clerks must wear a face covering at all time while interacting with the public.

   C. All Court security personnel are required to wear facial coverings while interacting with co-workers at less than 6 feet apart or in common areas of the buildings. Court security officers assigned to the front door or on duty in any courtroom must wear a face covering at all time while interacting with the public.

2. Restrictions on Admittance into the Allen/Simpson Justice Centers.

   A. All persons entering the building will be required to wear an appropriate face covering/mask. If an individual does not have an appropriate face covering/mask, one will be provided.

   B. All courtroom attendance shall be reduced to a minimum of 33% occupancy, including attorneys and court staff. Each court has developed a check-in procedure at the front door to reduce the number of individuals in their respective courtrooms and waiting areas.

   C. Only named parties (plaintiff, defendant, petitioner, respondent), his/her attorney, and witnesses (including state agency personnel) shall be allowed into the building with the following exceptions:

      (1) Juveniles appearing for court proceedings may be accompanied by a parent or guardian,

      (2) Disabled individuals who need assistance may be accompanied by one person;

      (3) Media personnel.

   D. No children shall be allowed into the building and no children shall be left unattended in the parking lot or on the grounds.

[1] Cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, or new loss of taste or smell.

E. No one shall be allowed to enter the building with any purses, backpacks, or similar enclosed bags. Individuals may only bring into the building his/her wallet, keys, and phone. This restriction does not apply to attorneys, who shall be allowed to enter with briefcases, etc.

F. No one shall be allowed into the building who is exhibiting symptoms of COVID-19 as identified by the CDC; has been asked to self-quarantine by any health care provider; or has been diagnosed with COVID-19 within the past 14 days or had contact with anyone who has been diagnosed with COVID-19 within the past 14 days. Court security shall deny access to individuals who are exhibiting signs of illness.

G. Any individual denied access due to illness shall be provided with the Clerk's contact information.

H. Once an individual is screened through security, there shall be no readmittance into the building unless authorized by the presiding judge.

3. Restrictions on admittance into the Clerk's office.

A. The Clerk's office shall remain a restricted area and no one other than the Clerk, his/her deputies, and judicial staff on an as needed basis shall be allowed inside the Clerk's office.

B. The number of persons admitted into the building for Clerk-related reasons shall be limited to no more than 6 persons (Simpson County) and 8 persons (Allen County) at one time.

C. All filings must be mailed, eFiled or conventionally filed using a drop-box provided in the entry way of each building. Attorneys' mailboxes located inside the building shall not be utilized by the Clerk.

D. Payments for court costs, fines, fees, and restitution shall be made by money order mailed to the circuit clerk's office or by cash or credit card by calling the Clerk's office. No in person payments shall be received in the Clerk's office through July 31, 2020. Show Cause dockets are suspended through October 31, 2020.

5. Modifications to Court Proceedings.

A. The Schedule for each Court is set out in Attachments 1 and 1-A.

B. Grand Jury meetings/Jury Trials.

(1) The term for the current jury panel has been extended 90 days. Simpson County shall empanel a new jury on October 14, 2020, and Allen County shall empanel a new jury on October 28, 2020. Provided however, an additional extension of 90 days may be implemented if necessary to promote public health safety.

(2) Grand Jury meetings shall resume June 1, 2020.

(3) All jury trials shall be continued until August 1, 2020.

C. No inmates shall be allowed into the building except as specifically ordered by the presiding judge. Inmates currently housed in the Allen and Simpson County Detention Centers shall continue to appear telephonically through July 31, 2020 in accordance with the Schedule in Attachments 1 and 1-A. There shall be no transport orders issued to move inmates from any other detention/prison facility through July 31, 2020. Special arrangements shall be made to allow prisoners incarcerated in other facilities to appear telephonically.

D. All non-evidentiary civil hearings shall be conducted telephonically if feasible, taking into consideration pro se representation. Attorneys and self-represented litigants shall be required to provide the Clerk or the presiding judge with his/her direct telephone number. Individuals who fall into a high-risk category[2] shall be allowed to participate telephonically.

E. Master Commissioner Cases

(1) It shall not be necessary for "local counsel" to appear for the attorney of record.

(2) Master Commissioner Sales shall resume June 1, 2020. Please contact the Master Commissioner for additional information as follows:

a. **Allen County** – Hon. Kelly Powell at 270-237-4690

b. **Simpson County** – Hon. Robert Y. Link at 270-237-3283; or simpsoncountymastercommissioner.com

F. Recordings of court proceedings shall be available to the public without regard to ability to pay.

6. Staffing Reallocations

A. Court security shall assign only one bailiff to each courtroom.

B. Custodial staff shall only be required to clean the public use areas of the buildings.

[2] According to the CDC, high-risk individuals include: people 65 years and older; people who live in a nursing home or long-term care facility; people of all ages with underlying medical conditions, particularly if not well-controlled, including people with chronic lung disease or moderate to severe asthma; people who have serious heart conditions; people who are immunocompromised; people with severe obesity; people with diabetes; people with chronic kidney disease undergoing dialysis; and people with liver disease.

Dated this May 31, 2020.

Janet J. Crocker, Judge
Allen/Simpson Circuit Court, Div. No. I

G. Sidnor Broderson, Judge
Allen/Simpson Circuit Family Court, Div. No. II

Martha Blair Harrison, Judge
Allen/Simpson District Court

ATTACHMENT 1

49TH CIRCUIT LOCAL RULES

ALLEN/SIMPSON CIRCUIT, FAMILY AND DISTRICT COURTS

COURT SCHEDULE[1] – effective June 1, 2020

BUILDING HOURS

Simpson County Justice Center: Monday – Friday 8:00 a.m. to 4:00 p.m.

Allen County Justice Center: Monday - Friday 8:00 a.m. to 4:30 p.m.
Saturday hours 8:00 a.m. - 12:00 p.m. (to resume July 11, 2020 if feasible)

1. CIRCUIT COURT DIVISION I

A. Criminal Hearings: *Private attorneys and his/her clients may appear telephonically subject to approval by the circuit judge to accommodate conflicts created by overlapping court dockets.*

(1) **Simpson County** –

(a) Mondays: 8:30 a.m. inmate docket; 9:00 a.m. all defendants whose last name begins A-L;

(b) Fridays: 9:00 a.m. all defendants whose last name begins M-Z.

(c) Last Monday of each month – 1:30 p.m. Fast Track Docket – to resume July 1, 2020

(2) **Allen County** –

(a) Tuesdays 8:30 a.m. inmate docket; 9:00 a.m. all defendants whose last name begins A-L;

(b) Thursdays: 9:00 a.m. all defendants whose last name begins M-Z.

(c) Last Tuesday of each month – 1:30 p.m. Fast Track Docket to resume July 1, 2020

B. Civil Hearings:

(1) **Simpson County** – 1st and 3rd Mondays at 1:30 p.m.

(2) **Allen County** – 1st and 3rd Tuesdays at 1:30 p.m.

C. Child Support Hearings:

(1) **Simpson County** – 2nd and 4th Wednesdays at 8:30 a.m.

[1] All times listed are Central Daylight Time

(2) **Allen County** –4th Wednesdays at 1:30 p.m.

2. FAMILY COURT

A. Domestic Violence cases:

(1) **Allen County** –Tuesdays at 9:00 a.m.

(2) **Simpson County** – Wednesdays at 9:00 a.m.

B. Dependency Neglect and Abuse cases:

(1) **Allen County** –Tuesdays at 1:00 p.m.

(2) **Simpson County** – Wednesdays at 10:30 a.m.

C. Child Support cases:

(1) **Allen County** –Tuesdays at 10:30 a.m.

(2) **Simpson County** – 2nd and 4th Wednesdays at 1:00 p.m.

D. Show Cause hearings:

(1) **Allen County** –2nd and 4th Tuesdays at 11:30 a.m.

(2) **Simpson County** – 2nd and 4th Wednesdays at 2:00 p.m.

E. Status hearings:

(1) **Allen County** – Tuesdays at 3:15 p.m.

(2) **Simpson County** – 2nd and 4th Wednesdays at 3:15 p.m.

F. Family Court Docket:

(1) **Allen County** –1st, 3rd and 5th Fridays as scheduled.

(2) **Simpson County** –2nd and 4th Fridays as scheduled.

3. DISTRICT COURT - See ATTACHMENT 1-A.

ATTACHMENT 1-A

49TH CIRCUIT LOCAL RULES

ALLEN/SIMPSON CIRCUIT, FAMILY AND DISTRICT COURTS

DISTRICT COURT SCHEDULE[1]

A. Simpson County

Tuesday

8:59 Probates
9:00 Fines/Costs----------(Will begin again in November)
9:30 Fines/Costs Pay or Appear--------(Will begin again in November)
9:45 Forcible Detainers – only for reasons other than non-payment of rent and for commercial leases
10:30 Motion Hours – Civil, Hardship License, etc.
10:45 Small Claims *(1st Tuesday of each month)*
11:00 Complex Probates
1:15 Emergency Disabilities
1:30 Status Hearings/Pre-Trial Conferences
2:00 Preliminary Hearings
3:00 Bench Trials

Thursday

8:30 Jail Arraignments
8:31 Pre-Payable Traffic Cases
9:00 Arraignments
1:15 Emergency Disabilities
1:30 Child Support *(1st Thursday of each month)*
2:00 Restitution Payments----------(Will begin again in November)
2:30 Adult Juvenile- except fines/costs and restitution
3:00 Bench Trials
3:15 Juveniles

Second *Friday* of each month – Jury Trials

Conditional Discharge and Insurance Monitoring canceled until January 2021

[1] All times recited are Central Daylight Time

B. Allen County

2nd Monday

9:00 Fines/Costs----------(Will begin again in November)
9:30 Fines/Costs Pay or Appear--------(Will begin again in November)
10:00 Conditional Discharge Monitoring (Cancelled until 1/2021)
1:15 Emergency Disabilities
1:30 Forcible Detainers-for reasons other than non-payment of rent and for commercial property
2:00 Small Claims

4th Monday

9:00 Fines/Costs----------(Will begin again in November)
9:30 Fines/Costs Pay or Appear--------(Will begin again in November)
10:00 Insurance Monitoring (Cancelled until 1/2021)
1:15 Emergency Disabilities
1:30 Status Hearings/Reviews/Civil Motion Hours
1:45 Status Hearings – Old bad checks - (will begin in August)
2:00 Pre-Trial Conferences
2:30 PTC/Bench Trials – Disabilities

Wednesday

8:15 Pre-Payables
8:30 Jail Arraignments
8:58 Show Cause Hearings for Counseling/Monitoring
8:59 DUI Arraignments
9:00 Arraignments
10:30 Status Hearings
1:15 Probates
2:00 Preliminary Hearings
2:30 Status Hearings – Intentional Breach Compulsory School Attendance
3:00 Juvenile

First *Friday* of each month – Jury Trials

Conditional Discharge and Insurance Monitoring canceled until January 2021