

In the Indiana Supreme Court



In the Matter of the Petition of the
Courts of Jefferson County for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-131

Order

The Courts of Jefferson County *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that a statewide emergency has been declared related to the 2019 novel coronavirus (COVID-19); that all Jefferson County schools are closed as a result; that a confirmed case of COVID-19 has been discovered in nearby Floyd County; and employees of the courts are, or have immediate family members who are, considered “high risk” as it relates to COVID-19. It appears from the petition that this emergency may require closure of the courts and is likely to inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Honorable Donald J. Mote has been appointed as the presiding Judge for this emergency.

The Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Jefferson County, and APPROVES IN PART the plan as submitted. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, **effective March 16, 2020**:

1. The Court authorizes the tolling, from the effective date of this order **through May 4, 2020**, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health, and appellate matters; all judgments, support, and other orders; and in all other civil and criminal matters before the courts of Jefferson County. Further, no interest shall be due or charged during this tolled period.
2. **Through May 4, 2020**, the Court authorizes the courts of Jefferson County in **criminal** cases to:
 - a. continue all jury trials until **no later than May 4, 2020** to allow adequate notification of the jury pool, subject to Paragraph 4 below;
 - b. continue all non-essential hearings;
 - c. hold pre-trial and discovery status hearings by counsel only;
 - d. allow attorney-only conferences whenever possible without the requirement of a motion;

- e. allow counsel to appear remotely by CourtCall or conference call by filing a “Notice of Remote Appearance;” and
 - f. exercise flexibility on continuance requests.
3. **Through May 4, 2020**, the Court authorizes the courts of Jefferson County in **civil** cases, in their discretion, to:
- a. continue all jury trials until **no later than May 4, 2020** to allow adequate notification of the jury pool, subject to Paragraph 4 below;
 - b. continue all bench trials;
 - c. continue all civil pre-trial conferences and non-essential hearings that will not result in a resolution of the case;
 - d. use CourtCall or conference call to:
 - i. conduct hearings that involve agreed issues;
 - ii. allow parties to appear remotely, unless a litigant’s due process rights would be violated; and
 - iii. allow attorneys to appear remotely for any civil status conference, pre-trial conference, or non-evidentiary hearing by filing a “Notice of Remote Appearance”;
 - e. allow attorney-only conferences whenever possible without the requirement of a motion;
 - f. exercise flexibility on continuance requests; and
 - g. suspend issuing civil body attachments and Title IV-D attachments, and suspend currently active body attachments, until **no later than May 4, 2020**.
4. The courts of Jefferson County are directed to review **no later than April 16, 2020** whether continued suspension of criminal and civil jury trials is necessary; and if it is not, to resume jury trials **no later than May 4, 2020** to allow adequate notification of the jury pool. If the courts of Jefferson County believe continued suspension is necessary, they may petition this Court to extend the suspension.
5. **Through May 4, 2020**, this Court authorizes the courts of Jefferson County in CHINS cases, in their discretion, to:
- a. allow Child and Family Team Meetings to be conducted by teleconference or audiovisual connection to the extent possible;
 - b. allow the parties to take all steps necessary to ensure required services, *e.g.*, drug screens, therapy, outpatient services, and supervised parenting time, be conducted in a manner designed to reduce the risk of the spread of COVID-19; and
 - c. require the appropriate supervising agency to document any effect COVID-19 has on the provision of services so that it does not have an adverse effect as to the parent in question in future proceedings.

6. **Through May 4, 2020**, this Court authorizes the courts of Jefferson County in protective order cases, in their discretion, to:
 - a. if an ex parte protective order is not granted in a case that alleges domestic or family violence, sex offenses or stalking, set a hearing within thirty (30) days of the filing of petition;
 - b. if an ex parte protective order cannot be granted under statute, set a hearing within ninety (90) days of the filing of the petition;
 - c. if the Respondent request a hearing in writing, set a hearing within sixty (60) days of the request;
 - d. if requests are made for specific remedies which cannot be granted without a hearing, set a hearing within sixty (60) days of the request; and
 - e. if the relief requires a hearing after it is granted, set a hearing within sixty (60) days of the request.
7. **Through May 4, 2020**, the courts of Jefferson County are authorized to continue issuing emergency detention orders under Indiana Code § 12-26-5-1 without ordering the county sheriff to transport a party to or from a health care facility, to the extent a party's constitutional rights will not be violated by not being transported.
8. **Through May 4, 2020**, the courts of Jefferson County are authorized, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing.
9. The courts of Jefferson County are authorized to post signage at all public entry points to judicial facilities advising individuals not to enter the building if they have:
 - a. visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC in the previous 14 days;
 - b. resided with or been in close contact with someone who has been in any of those countries within the previous 14 days;
 - c. traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
 - d. been asked to self-quarantine by any doctor, hospital, or health agency;
 - e. been diagnosed with or had contact with anyone who has been diagnosed with COVID-19; or
 - f. a fever, cough or shortness of breath;and to direct bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of the above protocols.
10. The courts of Jefferson County are authorized to reduce the number of court staff members working and/or to permit working remotely if feasible; provided, however, that the courts shall maintain sufficient operations to process emergency matters.

11. The courts of Jefferson County shall file a status update **no later than April 20, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/18/2020.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", is written over a horizontal line.

Loretta H. Rush
Chief Justice of Indiana