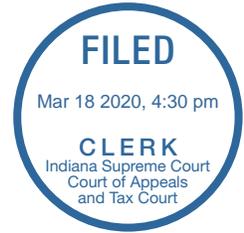


In the Indiana Supreme Court



In the Matter of the Petition of the
Dubois County Circuit and Superior Courts
for Administrative Rule 17 Emergency
Relief.

Supreme Court Case No.
20S-CB-149

Order

The Dubois County Circuit and Superior Courts have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the Governor of the State of Indiana has declared a public health emergency due to the 2019 novel coronavirus (COVID-19), and the World Health Organization has declared COVID-19 a pandemic. The petition appears to show that this emergency will inhibit litigants' and courts' ability to comply with statutory deadlines and rules of procedure.

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

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

1. This 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 Dubois County. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes immediate suspension of all criminal jury trials and all civil jury and bench trials through May 4, 2020. The Dubois County Courts are directed to review **no later than April 17, 2020** whether continued suspension 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 Dubois County Courts believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. The Court authorizes the Dubois County Courts in **criminal** cases to:
 - a. continue all pre-trial conferences and non-essential hearings that will not result in a resolution of the case;
 - b. hold pre-trial and discovery status hearings by counsel only;
 - c. allow attorney-only conferences whenever possible without the requirement of a motion;

- d. allow counsel to appear remotely by conference call;
 - e. have defendants appear via teleconference from jail for any hearings, except contested sentencing hearings and jury trials, if no party's constitutional rights will be violated; and
 - f. continue trials for non-incarcerated individuals.
4. The Court authorizes the Dubois County Courts in **civil** cases, in their discretion, to:
- a. continue all bench trials and nonessential matters;
 - b. use 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;
 - c. allow attorney-only conferences whenever possible without the requirement of a motion;
 - d. suspend issuing civil body attachments and Title IV-D attachments;
 - e. utilize video conferencing in juvenile court for all fact-finding and termination hearings in CHINS cases where either parent is in the Dubois County Security Center, to the extent no party's constitutional rights will be violated.
5. **Through May 4, 2020**, of Dubois County Courts are authorized, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in the Dubois County Judicial Center to the extent necessary to provide adequate social distancing.
6. The Dubois County Courts shall file a status update **no later than May 1, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

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



Loretta H. Rush
Chief Justice of Indiana