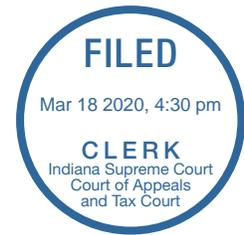


# In the Indiana Supreme Court



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

Supreme Court Case No.  
20S-CB-150

## Order

The Morgan County Courts *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that in response to the 2019 novel coronavirus (COVID-19) the President of the United States has declared a national emergency; the Governor of Indiana has declared a state emergency; all area public schools have been closed; and community events and activities have been cancelled to limit interpersonal contact. It appears from the petition that this emergency is likely to inhibit litigants' and courts' ability to comply with statutory deadlines and rules of procedure. The Honorable Peter R. Foley has been appointed as the presiding Judge for this emergency.

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

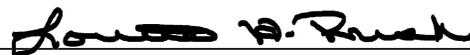
Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Morgan County, and APPROVES IN PART the plan as submitted. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this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

1. The Court authorizes the tolling, from the effective date of this order **through April 10, 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 Morgan County Courts. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes immediate suspension of all criminal and civil jury trials, including those with a "fast and speedy" setting requested, through **May 4, 2020**. The Morgan County Courts are directed to review **no later than April 10, 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 Morgan County Courts believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through April 10, 2020**, this Court authorizes immediate suspension of all civil proceedings, except: protective orders in domestic violence cases; mental health matters; public health matters; emergency juvenile matters, including any Child in

Need of Services (CHINS) and juvenile proceedings deemed “essential” by the Morgan Circuit Court; and other emergencies or matters deemed “essential” in the Morgan County Courts’ discretion.

4. **Through April 10, 2020**, this Court authorizes immediate suspension of all criminal proceedings except emergency motions and petitions, bond hearings, arraignments for inmates, initial hearings, emergency hearings, and any criminal hearing or proceeding necessary to protect a defendant’s right to a speedy trial.
5. **Through April 10, 2020**, the Morgan 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 courtrooms to the extent necessary to provide adequate social distancing.
6. **Through April 10, 2020**, the Morgan County Courts are authorized to reduce the number of court staff members working; to permit working remotely if feasible; and/or otherwise direct their staff as may be appropriate; provided, however, that the courts shall maintain sufficient operations to process emergency matters.
7. **Through April 10, 2019**, the Morgan County Courts are authorized to utilize video or telephonic conferencing for a party or counsel for any hearing or proceeding, unless a litigant’s due process rights would be violated.
8. **Through April 10, 2019**, the Morgan County Courts are authorized to direct Morgan County Probation and Community Corrections to take appropriate actions to limit physical contact between staff, clients, and the public, including use of telephonic conference, deferral of intake, or other referrals to probation or community corrections.
9. **Through April 10, 2019**, the Morgan County Courts are authorized to, in their discretion, defer short term incarceration commitments to the Morgan County Jail to avoid processing of inmates and potential contamination within the jail.
10. **Through April 10, 2019**, the Morgan County Courts and the Morgan County Clerk are authorized to utilize a drop box for conventional paper filed documents.
11. The Morgan County Courts shall file a status update **no later than April 3, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

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



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Loretta H. Rush  
Chief Justice of Indiana