

In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-155



Order

The Carroll 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); the Carroll County Commissioners also are declaring a public health emergency; the CDC is encouraging social distancing and has recommended that all nonessential gatherings be limited to no more than 50 people; and local school corporations have closed through at least April 6, 2020. The petition appears to show that this emergency will inhibit litigants' and courts' ability to comply with statutory deadlines and rules of procedure. The Honorable Benjamin A. Diener has been appointed as the presiding Judge for this emergency.

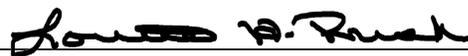
The Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Carroll County, and APPROVES the plan as submitted. The Court 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 April 6, 2020**, of all laws, rules, and procedures setting time limits for speedy trials in criminal, juvenile, CHINS, domestic relations, mental health, and civil proceedings before the courts of Carroll County. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes immediate suspension of all criminal and civil jury and bench trials through **April 6, 2020**. The Carroll County Courts are directed to review **no later than April 1, 2020** whether continued suspension is necessary; and if it is not, to resume jury trials **no later than April 6, 2020** to allow adequate notification of the jury pool. If the Carroll County Courts believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through April 6, 2020**, the Court authorizes the Carroll County Courts in **criminal** cases to:
 - a. continue all non-essential hearings;
 - b. hold pre-trial and discovery status hearings by counsel only; and

- c. allow counsel to appear remotely by teleconference if they submit a timely “Notice of Remote Appearance” prior to a scheduled hearing.
4. **Through April 6, 2020**, the Court authorizes the Carroll County Courts in **civil** cases, in their discretion, to:
 - a. continue all non-essential hearings until such time as the Courts deem the health and safety risks to parties and their counsel to be sufficiently addressed;
 - b. conduct hearings that involve agreed issues by teleconference;
 - c. allow counsel to appear remotely by teleconference if they submit a timely “Notice of Remote Appearance” prior to a status conference, pre-trial conference, or non-evidentiary hearing;
 - d. allow juvenile termination hearings, and non-adjudicatory and non-detention juvenile CHINS and delinquency proceedings, to be set or reset beyond the timeframes set forth by statute pursuant to Paragraph 1 above; and
 - e. suspend issuing all civil body attachments and Title IV-D attachments.
5. **Through April 6, 2020**, the Carroll 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 6, 2020**, the Carroll County Courts may consider a bona fide wish to avoid unnecessary social contact as good cause for a continuance, to the extent possible without violating statutory or constitutional rights.
7. The Carroll County Courts shall file a status update **no later than April 1, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/19/2020.



Loretta H. Rush
Chief Justice of Indiana