

In the Indiana Supreme Court

In the Matter of the Petition of the
Ohio Circuit Court for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-166



Order

The Ohio Circuit Court has petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that on March 6, 2020, Governor Holcomb declared a public health emergency and on March 16, 2020 President Trump declared a national emergency related to the 2019 novel coronavirus COVID-19 (“virus”); that on March 16, 2020 Governor Holcomb issued directives that Indiana will adhere to the recommendations and guidelines issued by the Centers for Disease Control and Prevention (“CDC”) which include “social distancing” to minimize the spread of the virus; that to comply with CDC recommendations Ohio County has closed its schools and restaurants (except for carry out meals); and that the Ohio Circuit Court is acting to protect the health and safety of the public and mitigate the spread of the virus while maintaining essential court operations.

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 James D. Humphrey 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 Ohio 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. The Court authorizes the tolling, from the effective date of this order **through April 17, 2020**, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters; all judgments, support, and other orders; and in all other civil and criminal matters before the Ohio Circuit Court. Further, no interest shall be due or charged during this tolled period.
2. The Ohio Circuit Court is directed and authorized to alter, modify, and suspend necessary procedures as provided in the Ohio Circuit Court Emergency Plan submitted with the petition, except for the provision which permits the use of a Senior Judge to preside over emergency hearings, which plan is attached to this order as **Exhibit A** and incorporated by reference.

3. The Ohio Circuit Court shall file a status update **no later than April 15, 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

EXHIBIT A

OHIO CIRCUIT COURT EMERGENCY PLAN FOR CONTINUITY OF OPERATIONS PLAN IN CONJUNCTION WITH COUNTY EMERGENCY AND PUBLIC HEALTH AUTHORITIES

In response to the 2020 novel Coronavirus (COVID-19) public health emergency as declared by President Donald J. Trump and Governor Halcomb and to protect the health and safety of our citizens, community, employees and general public, the Ohio County Circuit Court submits the following emergency plan to be in effect from March 18, 2020 through April 17, 2020 under Indiana Administrative Rule 17:

1. The Court hereby tolls 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 Ohio Circuit Court.
2. The Court continues all civil and criminal jury trials scheduled from March 18, 2020 through April 17, 2020.
3. The Court extends existing jury panels through June 30, 2020 unless the Court determines a need to call a new panel.
4. The Court will continue and/or reschedule non-essential hearings as determined by the Court. Proceedings concerning domestic violence, urgent and emergency matters, as determined by the Court, will be held. This will include, but is not limited to, criminal hearings of defendants in custody, domestic violence proceedings, detained juveniles and CHINS proceedings and such other hearings determined by the Judge or Magistrate of the Court. Certain hearings may be conducted telephonically or by other electronic means.
5. In order to accommodate any potential illness or quarantine of Court staff, the Court may appoint a Senior Judge, Judge Pro-Tem, or other designee to sign orders or preside over emergency hearings at the request of the Judge or Magistrate of the Ohio Circuit Court.
6. The Court may use telephonic or video technology in lieu of in-person appearances unless a litigant's due process rights would be violated. This may include guilty pleas and sentencing hearings when agreed to by all parties and the Court determines meaningful consultation can occur with counsel and there are findings of emergent public health concerns.
7. Issuing summons in lieu of bench warrants or notices of failure to appear unless there is a high risk to community safety involved as determined by the Judge or Magistrate.
8. Allowing attorneys, self-represented litigants and witnesses to appear remotely or continuing hearings when there is a risk of exposure by the individual to COVID-19 and/or other health concern.

9. The Court may allow non-evidentiary hearings be conducted through teleconferencing as requested by any attorney or self-represented litigant.

10. The Court may limit and discourage spectators to the litigation to the extent possible without violating constitutional and statutory rights.

11. The Clerk of Courts will provide deposit boxes for conventionally filed documents.

12. The Court may direct the Bailiff and Court Security Officers to deny entrance to individuals who:

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. Has a fever, cough or shortness of breath;

Signage relaying this information shall be posted at the public entry points to the Court/Courthouse.

13. Individuals with legitimate court business may request a continuance by telephone, email or facsimile to the court staff or court clerk if they are ill, caring for someone who is ill or in a high-risk category.

14. The Court will hold all status and pretrial hearings telephonically unless the Court determines an in-person hearing is required.

15. Problem Solving Courts, Court A&D Programs, Probation and Southeast Regional Community Corrections may provide services through video conferencing and/or telephonically and shall modify practices to promote community health and safety, health of employees and participation to mitigate exposure to the virus as reviewed and/or requested by the Court.

16. The Court is authorized to reduce the number of court staff members working and/or to permit working remotely if feasible; provided, however, that the Court shall maintain sufficient operations to process emergency matters.

17. The Ohio Circuit Court clerk's office will remain open for the performance of essential services.