

In the Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-177

Order

The Elkhart Circuit Court, the Elkhart Superior Courts, the Elkhart City Court, the Goshen City Court, and the Nappanee City Court (collectively, the “Elkhart County Courts”) have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the World Health Organization has determined the 2019 novel coronavirus (COVID-19) outbreak is a pandemic; Indiana has declared a state of emergency; the Center for Disease Control has recommended drastic steps to reduce the spread of the virus; and local schools and universities are cancelling in-person classes. It appears from the petition 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 IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Elkhart 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 May 4, 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 Elkhart 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 Elkhart County Courts are directed to review **no later than April 16, 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 Elkhart County Courts believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through May 4, 2020**, this Court authorizes suspension of all non- essential hearings in civil, domestic relations, juvenile and criminal cases, including, but not limited to: summary domestic relations hearings, routine criminal proceedings such as initial

hearings; violation of supervision, financial compliance, status hearings and pre-trial conferences, as well as, small claims hearings, collection hearings and proceeding supplemental hearings, but excluding emergency matters such as essential domestic violence hearings for the protection of life or limb, and required evidentiary hearings in criminal cases.

4. **Through May 4, 2020**, the Elkhart County Courts are authorized to issue summonses in lieu of bench warrants or notice of failure to appear.
5. **Through May 4, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in any of the Elkhart County Courts may do so without further leave of court upon filing a “Notice of Remote Appearance” in the court in which the matter will be heard.
6. **Through May 4, 2020**, the Elkhart County Courts are authorized to utilize video or telephonic conferencing in lieu of in-person appearances, unless a litigant’s due process rights would be violated.
7. **Through May 4, 2020**, the Elkhart County Courts may consider (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; or (b) exposure of such individuals to anyone who has or may have COVID-19; to constitute “good cause” to either appear remotely or continue a court setting, to the extent possible without violating statutory or constitutional rights.
8. **Through May 4, 2020**, the Elkhart County Courts may allow individuals with legitimate court business who are ill, caring for someone who is ill, or in a high-risk category for COVID-19 to request a continuance by telephone.
9. **Through May 4, 2020**, the Elkhart 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.
10. **Through May 4, 2020**, the Elkhart County Courts 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 inquire concerning and deny entrance to individuals attempting to enter in violation of the protocols described above.

11. **Through May 4, 2020**, the Court authorizes each of the judges of the Elkhart Circuit and Superior Courts to exercise general jurisdiction over any and all cases in the other Elkhart County Courts.
 12. **Through May 4, 2020**, the Elkhart County Courts and Elkhart County Clerk are authorized to utilize a drop box for conventional paper filed documents.
 13. The Elkhart County Courts 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 3/19/2020.



Loretta H. Rush
Chief Justice of Indiana