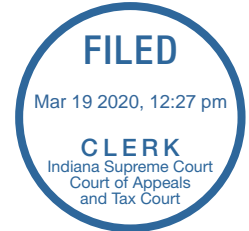


In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-178



Order

The courts of Bartholomew County *en banc* 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 related to the spread of the novel coronavirus (COVID-19); that the Indiana State Department of Health has reported at least one community-based COVID-19 case in Bartholomew County; that at least one litigant has appeared in the Bartholomew County Courts this week with symptoms consistent with COVID-19; and that the U.S. Center for Disease Control is encouraging “social distancing” as a means of limiting the spread of the virus. 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 Kelly Benjamin has been appointed as the presiding Judge for this emergency.

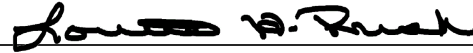
The Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Bartholomew County, and APPROVES IN PART the plan as submitted. The Court ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, effective **March 18, 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 courts of Bartholomew 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, including those with a “fast and speedy” setting requested, **through April 17, 2020**. The courts of Bartholomew County are directed to review **no later than April 3, 2020** whether continued suspension is necessary; and if it is not, to resume jury trials **no later than April 17, 2020** to allow adequate notification of the jury pool. If the courts of Bartholomew County believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through April 17, 2020**, this Court authorizes the Bartholomew County courts, in their discretion and consistent with the parties’ constitutional rights, to continue all criminal and civil hearings they deem non-essential.

4. **Through April 17, 2020**, this Court authorizes the Bartholomew County courts, in their discretion, to suspend issuing civil body attachments and Title IV-D attachments.
5. **Through April 17, 2020**, the courts of Bartholomew County are authorized, in their discretion, to utilize video conferencing for all child in need of services (CHINS) fact-finding and termination hearings involving a parent who is incarcerated.
6. **Through April 17, 2020**, any attorney wishing to appear remotely for any criminal or civil status conference, pre-trial conference, or non-evidentiary hearing in any of the courts of Bartholomew County 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 at least 24 hours prior to the scheduled hearing; and parties may appear remotely or by conference call in all civil matters, subject to applicable Constitutional limitations.
7. **Through April 17, 2020**, the courts of Bartholomew County are authorized in all cases to conduct hearings that involve agreed issues by conference call and to allow attorney-only conferences whenever possible without the requirement of a motion.
8. **Through April 17, 2020**, the courts of Bartholomew County are authorized in Juvenile Court to use video conferencing for all fact-finding and termination hearings in CHINS cases where either parent is incarcerated, subject to applicable Constitutional limitations; and to set or reset non-adjudicatory, non-detention juvenile CHINS, delinquency, and termination proceedings outside statutory timeframes pursuant to Paragraph 1 above.
9. **Through April 17, 2020**, the courts of Bartholomew County may exercise flexibility on continuance requests and 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.
10. **Through April 17, 2020**, the courts of Bartholomew County 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. The courts are further authorized to direct security staff to take the temperature of anyone entering the Bartholomew County Courthouse by non-invasive means and exclude any person with a fever of 100.2 degrees Fahrenheit or higher unless the person has a medical doctor’s statement that the fever is for a reason other than COVID-19. Anyone denied access under this policy shall be provided information regarding the appropriate entity to contact, **including telephone numbers to request continuance by of any matter they cannot attend in-person because of their exclusion.**
11. The Court authorizes each of the judges of the courts of Bartholomew County, and the Bartholomew Superior Court 2 Magistrate, Circuit Court Magistrate, and IV-D Commissioner, to exercise general jurisdiction over any and all cases in each other’s courts.

12. The courts of Bartholomew County shall file a status update **no later than April 9, 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