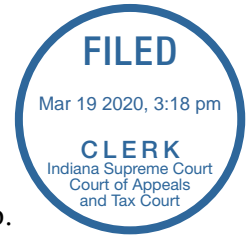


In the Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-179

Trial Court Case No.
25C01-2003-CB-000013

Order

The courts of Fulton County (“courts”) *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that federal and state emergencies have been declared regarding outbreak of the 2019 novel coronavirus (COVID-19) and public authorities recommend “social distancing” and other drastic measures to prevent further spread of the virus; and that the courts hold hearings and proceedings wherein hundreds of people enter the county courthouse every day. Further, the petition asks the Supreme Court to declare that an emergency exists in Fulton County and to make appropriate emergency orders directing and allowing the courts of Fulton County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted, so as to appropriately address this emergency. The Hon. A. Christopher Lee 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 Fulton 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 18, 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 courts of Fulton 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 trials, including those with a “fast and speedy” setting requested, through **May 4, 2020**. The courts of 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 courts of Fulton County believe

continued suspension is necessary, they may petition this Court to extend the suspension.

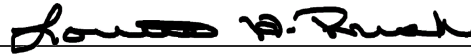
3. **Through May 4, 2020**, this Court authorizes immediate suspension of all proceedings the courts in their discretion deem non-essential, excluding emergency matters, domestic violence hearings, evidentiary hearings in criminal cases, protective order proceedings, emergency CHINS proceedings and time sensitive CHINS fact-finding hearings, emergency juvenile detention hearings, emergency custody and parenting-time motions, and other emergencies or matters deemed essential in the courts' discretion.
4. **Through May 4, 2020**, the courts of Fulton County may permit the use of telephone and/or videoconferencing in lieu of in-person appearances, unless a litigant's constitutional rights would be violated.
5. **Through May 4, 2020**, the courts of Fulton County may, to the extent reasonable, issue summonses in lieu of bench warrants or notices of failure to appear.
6. **Through May 4, 2020**, the courts of Fulton County 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.
7. **Through May 4, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in any of the courts of Fulton County may do so without further leave of court upon notifying the courts of his or her desire to appear remotely.
8. **Through May 4, 2020**, the courts of Fulton 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.
9. **Through May 4, 2020**, the courts of Fulton County 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 directing bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols. However, the courts must allow individuals

with legitimate court business to stay home and request a continuance by phone to the county Clerk if they are ill, caring for someone who is ill, or in a high-risk category.

10. **Through May 4, 2020**, the Court authorizes each of the judges of the courts of Fulton County to exercise general jurisdiction over any and all cases in each other's courts.

11. The courts of Fulton County 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