

In the Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-181

Order

The courts of Perry 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); public health authorities advise “social distancing” and other drastic means to prevent the further spread of the virus; and the courts hold hearings and proceedings wherein hundreds of people enter the county courthouse every day. The petition asks the Supreme Court to declare that an emergency exists in Perry County and to make appropriate emergency orders directing and allowing the courts of Perry County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted, so as to appropriately address this emergency. The Hon. Lucy Goffinet 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 Perry 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 18, 2020**.

1. The Court authorizes the tolling, from the effective date of this order **through April 20, 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 Perry 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 **April 20, 2020**. The courts are directed to review **no later than April 13, 2020** whether continued suspension is necessary; and if it is not, to resume jury trials **no later than through April 20, 2020** to allow adequate notification of the jury pool. If the courts believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through April 20, 2020**, the courts are authorized to immediately suspend all criminal proceedings, except emergency motions and petitions, bond hearings, initial hearings for inmates, emergency hearings, and other proceedings deemed “urgent” in the courts’ discretion, subject to the parties’ constitutional rights.
4. **Through April 20, 2020**, this Court authorizes immediate suspension of all civil proceedings, except protective orders 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 “urgent” in the courts’ discretion, subject to the parties’ constitutional rights.
5. **Through April 20, 2020**, the courts of Perry 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.
6. **Through April 20, 2020**, the courts of Perry County may, to the extent possible, and without violating constitutional rights, utilize video conferencing to conduct hearings in cases in which an individual is incarcerated.
7. **Through April 20, 2020**, the courts of Perry County may conduct probation and community corrections appointments telephonically, subject to statutory and constitutional limitations.
8. **Through April 20, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in any of the courts of Perry County may do so without further leave of court. Remote appearances may be coordinated through the staff of the Perry Circuit Court.
9. **Through April 20, 2020**, the courts of Perry 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.
10. The courts of Perry County shall file a status update no later than **April 13, 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