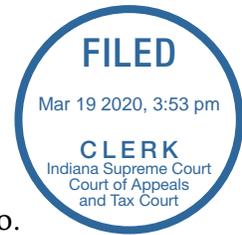


In the  
**Indiana Supreme Court**



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

Supreme Court Case No.  
20S-CB-183

**Order**

The courts of Hancock County *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that:

1. The Governor of State of Indiana has declared a state of emergency due to the 2019 novel coronavirus (COVID-19).
2. A Hancock County Jail employee tested positive with the virus.
3. All Hancock County Schools are closed at this time due to the threat of the virus.
4. It is not possible to summon a pool of potential jurors and conduct a jury trial in a manner that does not expose potential jurors, counsel, court staff and litigants to substantial and unacceptable health risks, specifically, the danger of becoming infected with the virus.
5. The review of recent juror panel indicated more than 25% of potential jurors were age 60 or above, and those individuals could be severely affected if exposed to the virus.
6. Hancock County has elevated the county emergency level to orange which means conditions are threatening to the safety of the public and only essential travel is recommended.

It appears from the petition that this emergency inhibits 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 the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Hancock 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 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 Hancock 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 Hancock County are directed to review **no later than April 17, 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 Hancock County believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through May 4, 2020**, this Court authorizes in **criminal** cases, subject to the parties' constitutional rights, the following: continuance of all pre-trial conferences and non-essential hearings that will not result in resolution of the case, except emergency matters, domestic violence hearings, and evidentiary hearings; pre-trial and discovery status hearings by counsel only; attorney-only conferences whenever possible without requirement of a motion; and appearances of defendants via teleconference from jail for any hearings except guilty plea hearings, contested sentencing hearings, and jury trials.
4. **Through May 4, 2020**, this Court authorizes in **civil** cases, in the courts' discretion and subject to the parties' constitutional rights, the following: continuance of bench trials and all non-essential matters 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 the courts deem "urgent"; use of conference call or CourtCall to allow attorneys and parties to appear remotely and to conduct hearings involving agreed issues; attorney-only conferences whenever possible without requirement of a motion; and suspension of issuance of civil body attachments and Title IV-D attachments.
5. **Through May 4, 2020**, this Court authorizes the use of video conferencing in Juvenile Court for all fact-finding and termination hearings in CHINS cases where either parent is in the Hancock County Jail, subject to the parties' constitutional rights.
6. **Through May 4, 2020**, the courts of Hancock 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; and to exclude from the Hancock County Courthouse anyone who appears visibly ill. 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.
7. **Through May 4, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in the courts of Hancock 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.
8. **Through May 4, 2020**, this Court authorizes the use of telephonic or video technology in lieu of in-person appearance, unless a litigant's due process rights would be violated.

9. **Through May 4, 2020**, the courts of Hancock 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 Hancock County shall file a status update **no later than April 17, 2020** to inform this Court of whether there is an ongoing need for emergency relief.
- Done at Indianapolis, Indiana, on 3/19/2020.



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Loretta H. Rush  
Chief Justice of Indiana