

In the Indiana Supreme Court



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

Supreme Court Case No.
20S-CB-186

Order

The courts of Jennings County (“courts”) *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states the Governor of Indiana has declared that the outbreak of the 2019 novel coronavirus (COVID-19, “the virus”) is a public health emergency; the President of the United States of America has declared the virus a National Emergency; the Center for Disease Control and the Jennings County Health Department have advised that “social distancing” is an effective strategy for the prevention of the further spread of the virus; the physical design and seating in individual courtrooms in Jennings County, when at or near capacity, is inadequate to promote “social distancing.” Further, the petition asks the Supreme Court to declare that an emergency exists in Jennings County and to make appropriate emergency orders for Jennings County directing and allowing the courts of Jennings County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted, so as to appropriately address this emergency. The Hon. Jon W. Webster has been appointed as the presiding Judge for this emergency.

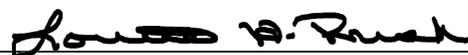
The Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Jennings 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 15, 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 Jennings 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 15, 2020**. The courts of Jennings County are directed to review **no later than April 8, 2020** whether continued suspension is necessary; and if it is not, to resume jury trials **no later than through April 15, 2020** to allow adequate notification of the jury pool. If the courts of Jennings County believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through April 15, 2020**, the courts are authorized in all criminal proceedings, to the extent consistent with the parties' constitutional rights, to immediately suspend the proceedings except emergency motions and petitions, bond hearings, and initial hearings for persons held in custody, and to utilize video conferencing to conduct hearings in cases in which an individual is incarcerated.
4. **Through April 15, 2020**, the courts are authorized to immediately suspend all civil proceedings to the extent consistent with the parties' constitutional rights,, except 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 "urgent" in the courts' discretion.
5. **Through April 15, 2020**, the courts of Jennings 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 and the Jennings County Courthouse to the extent necessary to provide adequate social distancing; and to require 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.
6. **Through April 15, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in any of the courts of Jennings County may do so without further leave of court upon notifying the courts of his or her desire to appear remotely.
7. **Through April 15, 2020**, the courts of Jennings County may, to the extent reasonable, issue summonses in lieu of bench warrants or notices of failure to appear.
8. **Through April 15, 2020**, the courts of Jennings 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.
9. **Through April 15, 2020**, the Court authorizes each of the judges of the courts of Jennings County to exercise general jurisdiction over any and all cases in each other's courts.
10. The courts of Jennings County shall file a status update no later than **April 10, 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