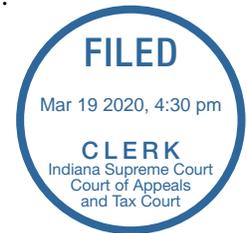


In the Indiana Supreme Court

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

Supreme Court Case No.
20S-CB-189



Order

The courts of Blackford County *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states, in part, that the World Health Organization has determined the 2019 novel coronavirus (“COVID-19”) is a pandemic; the President has declared a national emergency due to COVID-19; the Governor has declared a statewide emergency due to COVID-19; the Center for Disease Control has determined “social distancing” is necessary to prevent the spread of COVID-19; the Blackford County Health Department issued a public statement encouraging social distancing; on any given day several hundred people enter into, and congregate in, the Blackford County Courthouse to appear for hearings and trials; the courts of Blackford County find that “ordering large volumes of people to appear at the Blackford County Courthouse represents a failure to halt the spread of COVID-19[.]” It appears from the petition that this emergency inhibits litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Honorable Mick Barry and the Honorable Brian Bade have been appointed as the co-presiding Judges for this emergency.

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

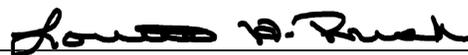
Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Blackford County, and APPROVES IN PART the plan as submitted. The Court ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, 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 Blackford 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 17, 2020**. The courts of Blackford County are directed to review **no later than April 9, 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 Blackford County believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through April 17, 2020**, this Court authorizes immediate suspension of all non-essential civil proceedings, which excludes protective orders, emergency CHINS proceedings, JD and JC detention hearings, emergency custody and visitation motions, and other emergencies or matters deemed “urgent” in the courts’ discretion, and to the extent consistent with the parties’ constitutional rights.
4. **Through April 17, 2020**, this Court authorizes immediate suspension of all non-essential criminal proceedings, which excludes emergency motions and petitions, bond hearings, arraignments, initial hearings, emergency hearings, and other emergencies or matters deemed “urgent” in the courts’ discretion, and to the extent consistent with the parties’ constitutional rights.
5. **Through April 17, 2020**, this Court authorizes the courts of Blackford County to use video or telephonic conferencing to conduct hearings, including for incarcerated individuals, subject to applicable statutory and constitutional limitations.
6. **Through April 17, 2020**, the courts of Blackford 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.
7. **Through April 17, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in the courts of Blackford 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.
8. **Through April 17, 2020**, the courts of Blackford 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. The courts of Blackford 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